



# **Ordinary Meeting of Council**

## **AGENDA**

**14 September 2022**

**Commencing at 5.30pm**

**Council Chambers  
253 Crawford Street  
Queanbeyan**

**Despite the easing of COVID restrictions, it should be noted that there is a limited number of public gallery seats available in the Chambers. Presentations can be made in writing or via Zoom. A live stream of the meeting can be viewed at:**

**<http://webcast.qprc.nsw.gov.au/>**

### **Statement of Ethical Obligations**

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Queanbeyan-Palerang Regional Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the *Local Government Act 1993* or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

**On-site Inspections - Nil**

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**1 OPENING**

**2 ACKNOWLEDGEMENT OF COUNTRY**

**3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

**4 CONFIRMATION OF MINUTES**

4.1 Minutes of the Ordinary Meeting of Council held on 24 August 2022

**5 DISCLOSURES OF INTERESTS**

**6 ADJOURNMENT FOR PUBLIC FORUM**

**7 MAYORAL MINUTE**

**8 NOTICES OF MOTIONS OF RESCISSION**

**9 REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**

- 9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West.....2
- 9.2 Modification Application 452-2000.A - Extension to Operating Hours - Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra.....22
- 9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood .....27
- 9.4 Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 .....45
- 9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential.....49
- 9.6 Results of Community Consultation - Blind Creek Solar Farm - Draft Planning Agreement .....57
- 9.7 Locality Boundary Re-alignment - Northangera-Braidwood .....60
- 9.8 Bungendore Men's Shed and Rotary Access to Sports Hub Land .....62
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- 9.11 German Auto Day - Sunday 25 August 2022 Traffic Report Approval .....70
- 9.12 Stronger Country Community Fund Round 5 Project Nomination .....72
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- 9.14 Carry Forward / Revote of Expenditure to Financial Year 2022/23 .....78

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**Confidential - Not for Publication**

**16 REPORTS FOR CLOSED SESSION**

- 16.1 Tender 2022-30 - Cooma Road Realignment  
*Item 16.1 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*
- 16.2 Renewable Energy Power Purchase Agreement- Variation of Binding Agreement  
*Item 16.2 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**17 CONCLUSION OF THE MEETING**

**LIST OF ATTACHMENTS**

**Open Attachments**

- Item 9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West
- Attachment 1 DA.2021.1716 - S4.15 Assessment Matters for Consideration - Digital Advertising Structure - 3/5 Gregory Street, Queanbeyan West (Under Separate Cover)
- Attachment 2 DA.2021.1716 - Elevations and Section - Digital Advertising Structure 3/5 Gregory Street Queanbeyan West (Under Separate Cover)
- Attachment 3 DA.2021.1716 - Photo Montage - Digital Advertising Structure - 3/5 Gregory Street Queanbeyan West (Under Separate Cover)
- Attachment 4 DA.2021.1716 - Landscape Plan - Digital Advertising

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- Structure - 3/5 Gregaory Street Queanbeyan West (Under Separate Cover)*
- Attachment 5     *DA.2021.1716 - Supplementary Road Safety Assessment - 3/5 Gregory Street Queanbeyan West (Under Separate Cover)*
- Attachment 6     *DA.2021.1716 - Applicant's Representations Received 26 July 2022 Prior to Assessment of Amended Proposal (Under Separate Cover)*
- Item 9.2     Modification Application 452-2000.A - Extension to Operating Hours - Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra
- Attachment 1     *DA 452-2000.A - 4.55(1A) Assessment Report - Modification: Extend Hours of Operation - 2 Limestone Drive, Jerrabomberra (Under Separate Cover)*
- Attachment 2     *DA 452-2000.A - Floor Plan - Modification: Extend Hours of Operation - 2 Limestone Drive, Jerrabomberra (Under Separate Cover)*
- Attachment 3     *DA 452-2000.A - Proposed Modified Conditions of Consent - Modification: Extend Hours of Operation - 2 Limestone Drive, Jerrabomberra (Under Separate Cover)*
- Attachment 4     *DA.452-2000.A - Police Submission - 2 Limestone Avenue, Jerrabomberra (Under Separate Cover)*
- Item 9.3     Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood
- Attachment 1     *REV.2022.1001 - Section 4.15 Assessment Matters for Consideration - The Albion - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 2     *REV.2022.1001 - Plans - The Albion - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 3     *REV.2022.1001 - Redacted Public Submissions - The Albion - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Attachment 4     *REV.2022.1001 - Draft Condiitons of Consent - The Albion - 119 Wallace street, Braidwood (Under Separate Cover)*
- Attachment 5     *REV.2022.1001 - Heritage NSW Section 60 Approvals - The Albion - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Item 9.4     Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012
- Attachment 1     *Googong Housekeeping Scoping Proposal July 2022 (Under Separate Cover)*
- Item 9.5     Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential
- Attachment 1     *Attachment 1 - Council Resolutions - C4 Planning Proposal (Under Separate Cover)*
- Attachment 2     *Attachment 2 - Summary and Assessment of Submissions - Public Authorities Consultaiton (Under Separate Cover)*
- Attachment 3     *Attachment 3 - Combined Agency Submissions (Under Separate Cover)*
- Attachment 4     *Attachment 4 - Final Biosis Report (Under Separate Cover)*
- Attachment 5     *Attachment 5 - Proposed Rezoning Map (Under Separate Cover)*

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- Attachment 6*      *Attachment 6 - C4 and R5 Land use Matrix and LEP land use tables (Under Separate Cover)*
- Attachment 7*      *Attachment 7 - SEPP (Exempt and Complying Development Codes) Comparison R5 & C4 (Under Separate Cover)*
- Attachment 8*      *Attachment 8 - Combined Gateway Determinations (Under Separate Cover)*
- Attachment 9*      *Attachment 9 - Planning Proposal - Agency Consultation (Under Separate Cover)*
- Item 9.6      Results of Community Consultation - Blind Creek Solar Farm - Draft Planning Agreement
- Attachment 1*      *Location of Proposed Blind Creek Solar Farm1 (Under Separate Cover)*
- Attachment 2*      *Overview of Submissions - Blind Creek Solar Farm - Draft Planning Agreement (Under Separate Cover)*
- Attachment 3*      *Draft Planning Agreement - Blind Creek Solar Farm (Under Separate Cover)*
- Item 9.7      Locality Boundary Re-alignment - Northanger-Braidwood
- Attachment 1*      *Resident's Request (Under Separate Cover)*
- Attachment 2*      *Map (Under Separate Cover)*
- Item 9.9      Cities Power Partnership - Adoption of Pledges
- Attachment 1*      *The Cities Power Partnership Action Pledge List - Shortened (Under Separate Cover)*
- Attachment 2*      *Certificate of membership - Cities Power Partnership (Under Separate Cover)*
- Attachment 3*      *Community Consultation Report- Cities Power Partnership - Pledges (Under Separate Cover)*
- Item 9.10      Queanbeyan CBD Wayfinding Strategy
- Attachment 1*      *Queanbeyan CBD Wayfinding Strategy (Under Separate Cover)*
- Item 9.11      German Auto Day - Sunday 25 August 2022 Traffic Report Approval
- Attachment 1*      *2022 German Auto Day RM plan (Under Separate Cover)*
- Attachment 2*      *GAD 2022 Signage Management Plan (Under Separate Cover)*
- Attachment 3*      *GAD Traffic Management Plan (Under Separate Cover)*
- Item 9.12      Stronger Country Community Fund Round 5 Project Nomination
- Attachment 1*      *SCCF Rd 5 2022 Guidelines (Under Separate Cover)*
- Attachment 2*      *SCCF5 Potential Projects (Under Separate Cover)*
- Item 9.13      Monaro Rail Trail
- Attachment 1*      *Monaro Rail Trail: Trail Development Plan Stage 1a (Under Separate Cover)*
- Attachment 2*      *Monaro Rail Trail: Business Case v3 (working draft) (Under Separate Cover)*
- Item 9.14      Carry Forward / Revote of Expenditure to Financial Year 2022/23
- Attachment 1*      *Carryover and revote Report 30 June 2022 (Under Separate Cover)*
- Item 9.15      June 2022 Quarterly Budget Review Statement
- Attachment 1*      *June 2022 Quarterly Budget Review Report - 14 Sept 2022 (Under Separate Cover)*
- Item 9.16      Reviewed Policies
- Attachment 1*      *Statement of Business Ethics (Under Separate Cover)*

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- Attachment 2*     *Unsealed Road Grading Policy (Under Separate Cover)*
- Attachment 3*     *Stakeholder and Community Engagement Policy Framework (Under Separate Cover)*
- Attachment 4*     *Playground Management Policy (Under Separate Cover)*
- Attachment 5*     *Signs by Remote Supervision Policy (Under Separate Cover)*
- Attachment 6*     *Street Verge Maintenance Policy (Under Separate Cover)*
- Attachment 7*     *Managing Unreasonable Conduct by Complainants Policy (Under Separate Cover)*
- Attachment 8*     *Volunteering Policy (Under Separate Cover)*
- Attachment 9*     *Operations Sustainability Policy (Under Separate Cover)*
- Attachment 10*    *Boundary Fences Adjoining Council Public Reserves Policy (Under Separate Cover)*
- Item 10.1    Resolution Action Sheet
  - Attachment 1*     *Resolution Action Sheet (Under Separate Cover)*
- Item 11.1    First Nations Consultative Committee Minutes 3 August 2022
  - Attachment 1*     *First Nations Consultative Committee Meeting Minutes 3 August 2022 (Under Separate Cover)*

**Closed Attachments**

- Item 9.3    Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood
  - Attachment 6*     *REV.2022.1001 - Legal Advice - The Albion - 119 Wallace Street, Braidwood (Under Separate Cover)*
- Item 9.7    Locality Boundary Re-alignment - Northangera-Braidwood
  - Attachment 3*     *Submissions (Under Separate Cover)*
- Item 16.1    Tender 2022-30 - Cooma Road Realignment
  - Attachment 1*     *Tender Rec Cooma Rd Realignment 2022-30 - Final Report (Under Separate Cover)*
- Item 16.2    Renewable Energy Power Purchase Agreement- Variation of Binding Agreement
  - Attachment 1*     *PPA Binding Agreement (Under Separate Cover)*
  - Attachment 2*     *PPA Variation Document - QPRC (Under Separate Cover)*
  - Attachment 3*     *NSW Market Prices (Electricity and LGC) (Under Separate Cover)*
  - Attachment 4*     *PPA Nominated Electricity Sites and LGC Strategy (Under Separate Cover)*
  - Attachment 5*     *Background Information From Report to Council - 23 June 2021 (Under Separate Cover)*





MINUTES OF THE ORDINARY MEETING OF THE QUEANBEYAN-PALERANG REGIONAL COUNCIL held via Zoom and at the Council Chambers, 253 Crawford Street, Queanbeyan on Wednesday, 24 August 2022 commencing at 5.30pm.

## ATTENDANCE

**Councillors:** Cr Winchester (Chairperson)  
Cr Burton  
Cr Livermore  
Cr Preston  
Cr Taskovski  
Cr Webster  
Cr Willis  
Cr Wilson

**Staff:** R Ryan, CEO  
M Thompson, Portfolio General Manager Natural and Built Character  
J Richards, Portfolio General Manager Community Choice  
K Monaghan, Portfolio General Manager Organisational Capability  
G Cunningham, A/Portfolio General Manager Community Connections

**Also Present:** W Blakey, Clerk of the Meeting  
L Ison, Minute Secretary

### 1. OPENING

The meeting commenced at 5.30pm.

### 2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional custodians of the land upon which the meeting was held.

### 3. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

321/22

#### **RESOLVED (Winchester/Wilson)**

That apologies for non-attendance from Crs Biscotti and Ternouth be received and that leave of absence be granted.

The resolution was carried unanimously.

**Procedural Motion**

322/22

**RESOLVED (Winchester/Preston)**

That Item 9.14: Application for Leave of Absence, be brought forward for consideration at this juncture.

The resolution was carried unanimously.

**9.14 Application for Leave of Absence**

323/22

**RESOLVED (Winchester/Burton)**

That Council approve the Leave of Absence application submitted by Cr Grundy for the 24 August 2022 Council Meeting.

The resolution was carried unanimously.

**4. CONFIRMATION OF MINUTES**

**4.1 Minutes of the Ordinary Meeting of Council held on 10 August 2022**

324/22

**RESOLVED (Winchester/Preston)**

That the Minutes of the Ordinary Meeting of Council held in the Queanbeyan Council Chambers on Wednesday 10 August 2022 be confirmed.

The resolution was carried unanimously.

**5. DISCLOSURES OF INTERESTS**

325/22

**RESOLVED (Winchester/Webster)**

That Councillors and staff now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

The resolution was carried unanimously.

Mr Michael Thompson declared a less than significant non-pecuniary interest in Item 9.1: Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar, stating his spouse is an employee of the Queanbeyan District Pre-school Association. Mr Thompson proposed to leave the Chambers when the matter is being considered.

**6. ADJOURNMENT FOR PUBLIC FORUM**

At this stage of the proceedings, the time being 5.34pm, Cr Winchester advised that the meeting should now adjourn for the Public Forum.

326/22

**RESOLVED (Winchester/Webster)**

That the meeting be adjourned to conduct the Public Forum.

The resolution was carried unanimously.



**ADJOURNMENT:** The meeting adjourned for the Public Forum at 5.34pm and resumed at 5.44pm.

**7. MAYORAL MINUTE**

**7.1 NSW Audit Office Determination over the Accounting Treatment of RFS Assets**

327/22

**RESOLVED (Winchester/Wilson)**

That Council:

1. Writes to the local State Member Nicole Overall, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
  - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
  - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;
  - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements;
  - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and
  - e. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
  - a. Advising Members of Council's position, including providing copies of correspondence to NSW Government Ministers; and
  - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Reaffirms Council's position not to recognise RFS assets in accordance with the QPRC Agency Assets Policy.
4. Affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets

5. Continue to support the local RFS brigades noting that Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which Council considers to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.

The resolution was carried unanimously.

## **8. NOTICES OF MOTIONS OF RESCISSION**

There were no Notices of Motions of Rescission.

Mr Thompson declared an interest in the following Item and left the Chambers at 5.47pm.

## **9. REPORTS TO COUNCIL - ITEMS FOR DETERMINATION**

- 9.1 Request to Waive Developer Contributions - DA.2020.1363.B - Queanbeyan District Pre-school Association - 181 Cooma Street, Karabar**

### **RESOLVED (Preston/Willis)**

That Council approve the removal of Condition 15 of DA.2020.1363.B; thereby removing the requirement for development contribution fees to be paid.

For: Crs Livermore, Preston, Taskovski, Webster, Willis, Wilson and Winchester

Against: Cr Burton

Mr Thompson returned to the Chambers at 5.52pm.

- 9.2 Request from Araluen Progress Association for Support with Development Application Fees**

328/22

### **RESOLVED (Willis/Burton)**

That Council support the request from the Araluen Progress Association to provide support to refund paid development application fees for DA.2021.1354 by providing a donation of \$2,732.69, noting that such donation will be unfunded expenditure.

The resolution was carried unanimously.

- 9.3 Scoping Proposal Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012**

329/22

### **RESOLVED (Willis/Preston)**

That consideration of this item be deferred following a Councillor workshop.

The resolution was carried unanimously.

**9.4 Acquisition of Land for North Elmslea Reservoir and Bungendore Landfill Buffer**

330/22

**RESOLVED (Preston/Taskovski)**

That Council:

1. Authorise the acquisition of proposed Lot 3 DP 1282741 being 5,794m<sup>2</sup> from the subdivision of Lot 1 in DP 880087 and Lot 1 in DP 1236462 for the purposes of town water supply from Share Star Holdings Pty Ltd for the lump sum of \$230,000 (ex GST).
2. Authorise the acquisition of proposed Lot 2 DP 1282741 being 7,028m<sup>2</sup> from the subdivision of Lot 1 in DP 880087 and Lot 1 in DP 1236462 for the purposes of a landfill buffer from Share Star Holdings Pty Ltd by way of donation.
3. Classify, on acquisition, both lots 2 and 3 as Operational Land in accordance with section 31 of the *Local Government Act 1993*.

The resolution was carried unanimously.

**9.5 Fixing Local Roads - Round 4 Application**

331/22

**RESOLVED (Willis/Wilson)**

That Council nominate the rehabilitation of Oallen Road for grant funding through the Fixing Local Roads Round 4 application process.

The resolution was carried unanimously.

**9.6 Lascelles Street Upgrade - s94 Funding**

332/22

**RESOLVED (Willis/Livermore)**

That Council allocate funds to the Lascelles Street Upgrade Project (PJ100701) from the following Section 94 Contributions Plans:

1. \$193,359 from the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks (Kings Highway East) Reserve.
2. \$45,000 from the Tallaganda Shire Council Section 94 Contributions Plan No. 3 Roadworks (Braidwood Village) Reserve.

The resolution was carried unanimously.

**9.7 Withdrawal of Endorsement to Participate in a Shared Scheme E-scooter Trial**

333/22

**RESOLVED (Livermore/Burton)**

That Council not submit an application for an e-scooter trial in the Googong Township.

The resolution was carried unanimously.

**9.8 QPRC Cultural Grants Application**

334/22

**RESOLVED (Livermore/Wilson)**

That Council approve a Cultural Grant of \$500 to Mrs Sylvie Carter towards costs for a solo art exhibition at Rusten House Arts Centre, Queanbeyan.

The resolution was carried unanimously.

**9.9 CEO Performance Review Panel**

335/22

**RESOLVED (Wilson/Winchester)**

That Council:

1. Adopt the Terms of Reference for the CEO's Performance Review Panel.
2. Delegate to this Council Committee the task of developing a Performance Agreement, conducting Performance Reviews, reporting the findings and recommendations of those reviews to Council.
3. Cr Willis to sit on the CEO's Performance Review Panel.

The resolution was carried unanimously.

**9.10 Lease Renewal for Bowling Club at 26 Farrer Place Queanbeyan**

336/22

**RESOLVED (Willis/Webster)**

That Council enter into the new lease with Queanbeyan Sports & Community Club on the proposed terms for a further 20-year period

The resolution was carried unanimously.

**9.11 Investment Report - July 2022**

337/22

**RESOLVED (Wilson/Willis)**

That Council:

1. Note the investment return for July 2022 was \$1,177,345.
2. Note the investment portfolio has been made in accordance with the *Local Government Act (1993)*, the *Local Government (General) Regulation (2005)* and Queanbeyan-Palerang Regional Council's Investment Policy.
3. Receive the Investment Report for the month of July 2022.

The resolution was carried unanimously.

**9.12 Reviewed Policies**

338/22

**RESOLVED (Willis/Livermore)**

That:

1. Council place the following Policies on public exhibition for 28 days:
  - Competitive Neutrality Complaints Policy
  - Road Names Policy
  - Liquid Trade Waste Policy
  - On-Site Sewage Management Policy
  - Open Burning Policy
  - Environmental Controls on Construction Sites Policy
2. If no submissions are received, the policies be adopted.
3. Council rescind the Reporting Legal Matters Policy.

The resolution was carried unanimously.

**9.13 Post-Exhibition Report Library Collections Policy**

339/22

**RESOLVED (Willis/Preston)**

That Council:

1. Adopt the Library Collections Policy.
2. Endorse the development of a Local History Policy.

The resolution was carried unanimously.

**9.14 Application for Leave of Absence**

This item was dealt with in earlier business.

**10. REPORTS TO COUNCIL - ITEMS FOR INFORMATION**

**10.1 Braidwood Sale Yard Annual Update**

340/22

**RESOLVED (Willis/Webster)**

That the report be received for information.

The resolution was carried unanimously.

**10.2 Stronger Country Communities Fund Round 5**

341/22

**RESOLVED (Winchester/Livermore)**

That the report be received for information.

The resolution was carried unanimously.

**10.3 Delivery Program Update - July 2021 to June 2022**

342/22

**RESOLVED (Willis/Wilson)**

That the report be received for information.

The resolution was carried unanimously.

**10.4 Councillor Workshops**

343/22

**RESOLVED (Winchester/Preston)**

That the report be received for information.

The resolution was carried unanimously.

**11. REPORTS OF COMMITTEES**

**11.1 Local Traffic Committee Meeting - 9 August 2022**

344/22

**RESOLVED (Livermore/Wilson)**

That Council:

1. Note the minutes of Local Traffic Committee held on 9 August 2022.
2. Adopt recommendations LTC 29/2022 to LTC 34/2022 from the meeting held on 9 August 2022.

LTC 29/2022 - Under *The Roads Act 1993* approve the TCP/TMP for the Country Rocks 2022 with minor amendments.

LTC 30/2022 - Under *The Roads Act 1993* approve the TCP/TMP for the Queanbeyan Swap Meet 2022 with amendments.

LTC 31/2022 - Under *The Roads Act 1993* approve the TCP/TMP for the 27<sup>th</sup> National Model A Ford Meet 2022 with amendments.

LTC 32/2022 - Under *The Road Transport Act 2013* approve proposed line marking and signage to the Elmgrove Development with minor amendments.

LTC 33/2022 - Under *The Road Transport Act 2013* approve proposed Apartment Complex – 15 Macfarlane Ave Googong, Signage/linemarking designs with minor amendments.

LTC 34/2022 - Under *The Road Transport Act 2013* approve proposed Jumping Creek Development signage/linemarking designs with minor amendments.

The resolution was carried unanimously.

**11.2 QPRC Sports Council Meeting Minutes - May 2022**

345/22

**RESOLVED (Wilson/Taskovski)**

That Council note the minutes of the QPRC Sports Council held on 9 May 2022.

The resolution was carried unanimously.

**11.3 Disability Access Committee Meeting Minutes 27 July 2022**

346/22

**RESOLVED (Livermore/Webster)**

That Council:

1. Note the minutes of Disability Access Committee held on 27 July 2022.
2. Endorse recommendations DAC01/2022 to install a Pedestrian Warning Sign (yellow diamond sign) with a panel below reading "Aged" at pedestrian crossing on Campbell Street next to the Heritage Care Aged Care Home to improve pedestrian safety.
3. Endorse recommendation DAC03/2022 to investigate options to install a STOP sign at corner of Erin Street before the left hand turn on to Crawford Street to slow traffic approaching the pedestrian crossing on Crawford Street.
4. Endorse recommendation DAC03/2022 to investigate moving the pedestrian crossing with refuge further south on Crawford Street to improve pedestrian safety.

The resolution was carried unanimously.

**12. NOTICES OF MOTIONS**

**12.1 Motion for Submission LGNSW Annual Conference 2022**

347/22

**RESOLVED (Webster/Wilson)**

That Council submit the following motion to the Local Government NSW Annual Conference 2022:

1. That LGNSW advocate to amend the *Local Government Act* and remove the reference and terms of a 'minimum and maximum range' from the Local Government Remuneration Tribunal (LGRT), with an annual determination of only one fee payable to councillors, members of county councils and mayors in each category.

The resolution was carried unanimously.

**13. REPORTS TO COUNCIL - DELEGATES REPORTS**

There were no Delegates' reports.

**14. QUESTIONS WITH NOTICE**

There were no Questions with Notice.



**15. NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

At this stage of the proceedings Cr Winchester advised that there were items on the Agenda that should be dealt with in Closed Session.

Cr Winchester then asked if, in accordance with Clause 59.6 of the Council's Code of Meeting Practice, there were any presentations as to why the matters listed below should not be dealt with in Closed Session.

**16. REPORTS FOR CLOSED SESSION**

348/22

**RESOLVED (Winchester/Preston)**

That pursuant to Section 10A of the *Local Government Act, 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:

**Item 16.1 Audit, Risk and Improvement Committee (ARIC) Independent External Member**

*Item 16.1 is confidential in accordance with s10(A) (a) of the Local Government Act 1993 because it contains personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

The resolution was carried unanimously.

The meeting then moved into Closed Session at 6.26pm to discuss the matters listed above.

**16.1 Audit, Risk and Improvement Committee (ARIC) Independent External Member**

349/22

**RESOLVED (Wilson/Willis)**

That Council:

1. Extend its appreciation to Mr Shanahan for his service on the ARIC.
2. Appoint Diana Hamono as the independent external member of Council's ARIC for an initial four-year term.
3. Shortlist JP O'Kennedy in case the offer to Diana Hamono is not accepted for any reason.

The resolution was carried unanimously.

350/22

**RESOLVED (Winchester/Livermore)**

That the meeting now return to Open Session.

The resolution was carried unanimously.

The meeting returned to Open Session at 6.27pm.

The doors of the Chambers were opened to allow the public to enter.

In accordance with Clause 253 of the Local Government (General) Regulations 2005, the Mayor then read out the decisions of Council made in Closed Session.

**17. CONCLUSION OF THE MEETING**

The time being 6.28pm, the Mayor announced that the Agenda for the meeting had now been completed.

**CR KENRICK WINCHESTER  
MAYOR  
CHAIRPERSON**

**ITEM 5     DECLARATION OF CONFLICTS/PECUNIARY INTERESTS**

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The provisions of Chapter 14 of the *Local Government Act, 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the *Local Government Act* restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest

**Recommendation**

**That Councillors and staff disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.**

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

- 9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey)
- 

File Reference: DA.2021.1716

**Recommendation**

That development application DA.2021.1716 for erection of a pole mounted, digital advertising structure at Lot 3 SP 93173, 3/5 Gregory Street, Queanbeyan West be refused for the following reasons:

1. The proposed development is not consistent with the following provisions of State Environmental Planning Policy (Industry and Employment) 2021:
  - i. Clause 3.6(a) – The proposed development is not compatible with the desired amenity and visual character of the area.
  - ii. Clause 3.6(b) – The proposed development does not meet the following criteria specified in Schedule 5:
    - Character of the Area
    - Special Areas
    - Views and Vistas
    - Streetscape, Setting and Landscape
    - Site and Building
    - Illumination
    - Safety
2. Council considers the proposed development is contrary to the aims specified in clause 1.2(2)(d), (e) and (f) of Queanbeyan Local Environmental Plan 2012:

*(d) to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;*

*(e) to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra*

*(f) to maintain the unique identity and country character of Queanbeyan*
3. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Part 7 the Queanbeyan Development Control Plan 2012 specified by sections 7.1.2 (5):

*(5) Ensure development has a visually appealing appearance to the street.*
4. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Part 7 of Council's applicable Queanbeyan Development Control Plan 2012 specified by sections 7.2.2 (5):

*(5) Protect and enhance the visual amenity of entry points into Queanbeyan.*
5. Council is not satisfied by the application and its accompanying documents that the proposed development meets the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 in respect of the safe distance of the sign from an intersection and Council considers that the proposal could have a significant safety impact on traffic on the corner of a priority-controlled T intersection (Corner of Canberra Avenue and Kealman Road).

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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- 6. Council considers the proposed location of the sign will reduce off-street parking spaces.**
- 7. The proposal does not promote the aims of the *Queanbeyan Local Environmental Plan 2012* particularly relating to vistas and visual amenity entering Queanbeyan City and as such Council considers there to be no overriding public interest in favour of granting consent for the proposed development.**

**Summary**

***Reason for Referral to Council***

This application has been referred to Council because it raises concerns which cannot be overcome with a condition of consent and where plans are unable to be amended to overcome such concerns. In addition, it has policy implications for setting the desirability of this form of development in the City.

Proposal:	Erection of a single screen pole mounted digital advertising structure.
Applicant /Owner:	Mr K Malouf – EiMedia Pty Ltd/N Kovacevic
Subject Property:	Lot 3 SP 93173, 3/5 Gregory Street Queanbeyan West.
Zoning and Permissibility	IN2 – Light Industrial under Queanbeyan Local Environmental Plan 2012
Public Submissions:	Nil
Issues Discussed:	<ul style="list-style-type: none"><li>• Non compliance with the Industry and Employment SEPP.</li><li>• Non compliance with QLEP.</li><li>• Inconsistent with QDCP.</li><li>• Traffic Safety</li><li>• Public Interest</li></ul>
Disclosure of Political Donations and Gifts:	Applicant declared no Donations or Gifts to any Councillor or staff have been made

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

**Background**

***Proposed Development***

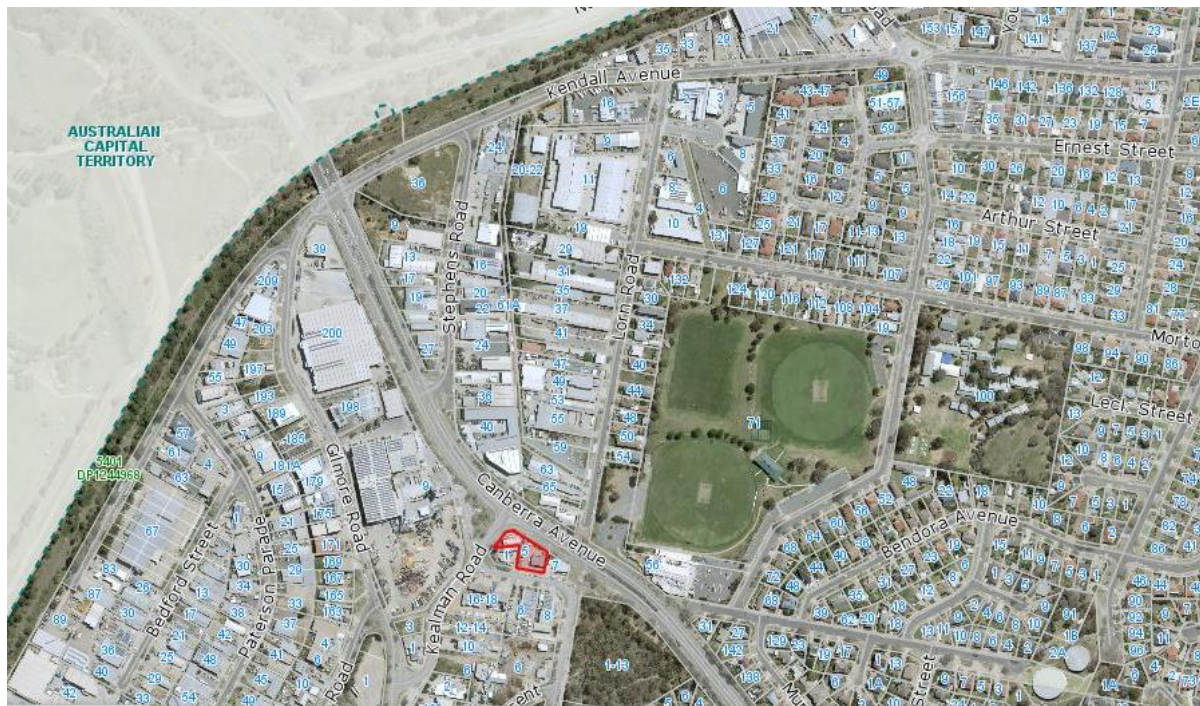
The site has been the subject of compliance action for the erection of an unauthorised sign (billboard). As a result of the enforcement action the unauthorised billboard was removed, and this development application lodged.

The development application seeks approval for the erection of a single screen, pole mounted, digital advertising structure to display third party advertisements and community messages. The advertising structure will have a display area of 18.26m<sup>2</sup>. It is not intended to advertise the business/s operating on the site but will advertise varied items as requested by third party advertisers.

The advertising structure will be constructed on the north side of the site and will only be viewed by traffic on Canberra Avenue while heading south into Queanbeyan. The structure will be mounted on a single pole 1m in diameter and the base of the sign will be 3.0 metres above ground level. The display area of the sign will be 2.2m high and 8.3m wide. This will provide for an overall height of 5.2 metres (see Attachment 2).

***Subject Property***

The site is located at Lot 3 SP 93173 and is known as 3/5 Gregory Street, Queanbeyan West. The site is situated on the corner of Canberra Avenue and Kealman Road and has excellent exposure to traffic travelling into Queanbeyan on Canberra Avenue. The site is shown in Figure 1 below.



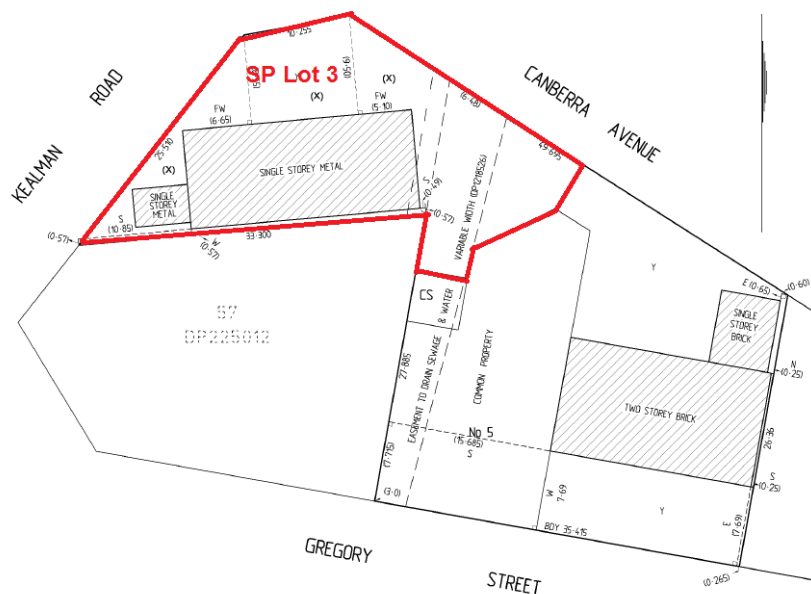
**Figure 1: - Locality Plan**



**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

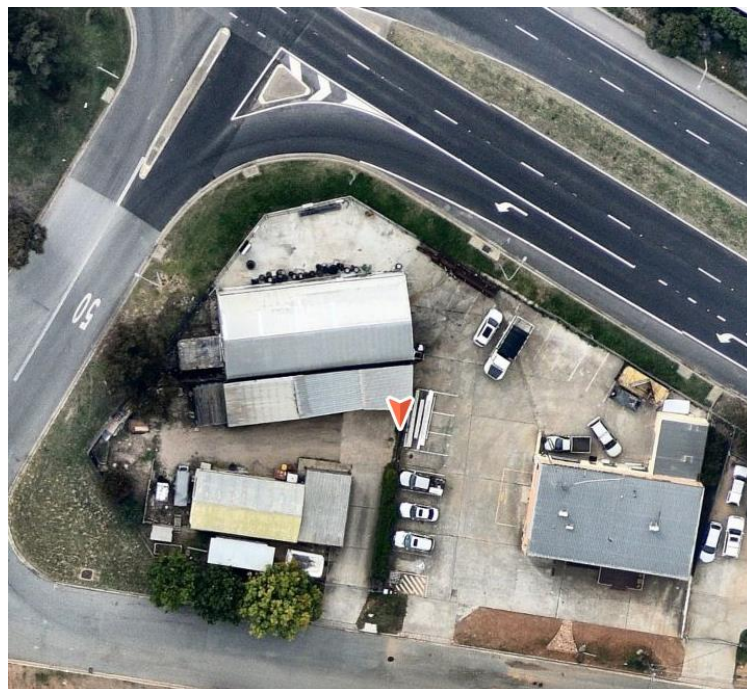
The subject site is located on the northern side of Gregory Street and is bounded by Canberra Avenue on the northern boundary and Kealman Road on the western boundary. Access to the property is from Gregory Street on the southern boundary. The site has an approximate area of 1,680m<sup>2</sup>.

5 Gregory Street is a strata titled property divided into three lots. Strata Lot 3 is the western most of the three lots as shown in Figure 2 below.



**Figure 2: - Location of Strata Plan Lot 3**

The site contains an existing metal clad shed as shown in Figure 3 below.

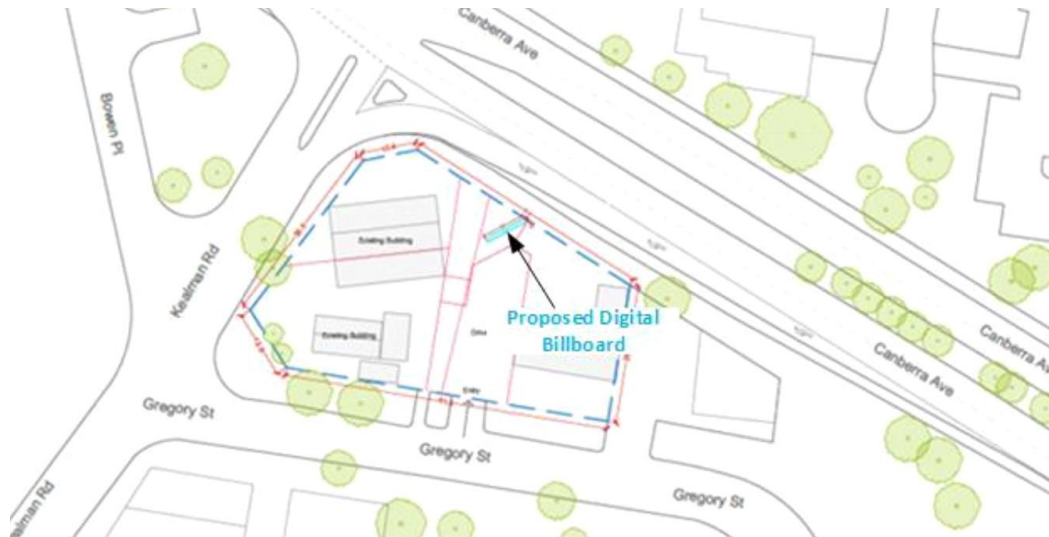


**Figure 3 – Aerial View of Site**



**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

The location of the billboard in the original application submitted was further to the west however, the applicant recently lodged an amended plan showing the structure further to the east. Figure 4 below shows the position of the proposed digital billboard on the site.



**Figure 4: Proposed Amended Location of Digital Pole Sign**

Figures 5 through 7 below show a photomontage of the sign in the proposed location.



**Figure 5 – Photomontage Showing Location of Sign on Site**



**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**



**Figure 6: - Photomontage Shows Proposed Location of Digital Advertising Sign (note how the sign partially blocks advertising sign on adjoining building). Also Depicts Proposed New Landscaping on Council's Road Reserve and Landscaping at Base of Pole.**



**Figure 7: - Photomontage Shows Location of Sign in Relation to Right Hand Turning Traffic into Kealman Road**



9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)

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**Figure 8: - Site When Viewed from Canberra Avenue Travelling into Queanbeyan (1)**



**Figure 9: - Site When Viewed from Canberra Avenue Travelling into Queanbeyan (2)**

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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***Planning Requirements***

The development application has been considered using the heads of consideration listed in Section 4.15 of the *Environmental Planning & Assessment Act 1979*. Based on this assessment against the provisions of the planning instruments listed below the application is considered to be unsatisfactory and it is recommended that the application be determined by way of refusal subject to reasons as specified in the recommendation.

1. *State Environmental Planning Policy (Industry and Employment) 2021*.
2. *Queanbeyan Local Environmental Plan 2012 (LEP)*.
3. *Queanbeyan Development Control Plan 2012 (DCP)*.

Assessment against the provisions of the various environmental planning instruments applicable to the site/and the proposed development has been undertaken and is shown in the s4.15 *Matters for Consideration* in Attachment 1. The relevant matters arising from the assessment for Council's consideration are as follows.

For the information of Councillors a copy of the representations received from the applicant on 26 July 2022 have been included in Attachment 6. These representations have been further addressed in the following assessment.

***State Environmental Planning Policy (Industry and Employment) 2021.***

This application was lodged with Council on 19 November 2021. The SEPP applicable at that time was *State Environmental Planning Policy 64 (Advertising and Signage)*. This SEPP has since been repealed with the new consolidated SEPP *State Environmental Planning Policy (Industry and Employment) 2021* which commenced on 1 March 2022. The provisions relating to signage are substantially the same. As such the application has been assessed against the provisions of the Industry and Employment SEPP. The detailed assessment is shown in the attached s.4.15 *Matters for Consideration*. However, it is considered that the proposed development is non-compliant with the SEPP in the following respects.

Chapter 3 of the SEPP relates to advertising and signage that:

- (a) *Can be displayed with or without development consent under another environmental planning instrument that applies to signage; and*
- (b) *Is visible from any public place or public reserve.*

*Comment* - The proposed sign is visible from a public place (Canberra Avenue) therefore Chapter 3 applies to this application.

The following provisions of Clause 3.1 and 3.6 of the SEPP are particularly relevant:

Clause 3.1(1) states that

- (1) *This chapter aims-*
  - (a) *To ensure that signage (including advertising)-*
    - (i) *Is compatible with the desired amenity and visual character of an area, and ...*
  - (b) *To regulate signage (but not content) under Part 4 of the Act, and...*
  - (d) *To regulate the display of advertisements in transport corridors, and...*
  - (e) *To ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

Clause 3.6(a) similarly states that:

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied-*

- (a) *That the signage is consistent with the objectives of this chapter as set out in Section 3.1(1)(a), and*

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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*Comment* - The proposed sign is not compatible with the desired amenity and visual character of the area as the main entry point into Queanbeyan from the Australian Capital Territory.

Canberra Avenue is one of the key entrances to Queanbeyan and its gateway commences at the railway overpass and signalised intersection with Kendall Avenue North/Gilmore Road. The streetscape of this entrance corridor is characterised by single and two storey industrial buildings. There is landscaping contained within parts of the median and sparsely planted trees within road verges. From the intersection with Kealman Road which adjoins the proposed site, the character gives way from the industrial land uses to the vegetated bushland reserve of John Bull Street, the landscaped median and to the landscaped noise walls along the residential areas along Nimmitabel Street and Munro Road. This leads to the ridge which provides views of the City within Queanbeyan River valley.

While the industrial nature of the first point of this entry may not be by some standards to have a high amenity, it does have a relative uncluttered character in terms of signage. The signage within this entry corridor is characterised by generally business and building identification signs that are predominantly attached to buildings and in the traditional medium of print. There are no free standing electronic billboard style signs supported on 1 metre diameter mono poles along this or any of the other entry corridors to Queanbeyan. There are also no other signs of this scale, dimension, or visual prominence.

The desired amenity and visual character has been qualified in a number of documents including:

*Towards 2040 Queanbeyan-Palarang Local Strategic Planning Statement*

The statement references as part of the vision for Queanbeyan and the surrounds: 'The rich built, natural, indigenous and cultural heritage community continues to be protected and enhanced. Areas with high scenic qualities have been retained and protected from inappropriate development'.

*Queanbeyan Development Control Plan*

**7.1.2 Overall objectives for Industrial Development**

*7.1.2(5): Ensure development has a visually appealing appearance to the street.*

**7.2.2 Building Design**

*7.2.2(5): Protect and enhance the visual amenity of entry points into Queanbeyan.*

*Queanbeyan Local Environmental Plan 2012*

**1.2 Aims of Plan**

*1.2(2)(d) to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;*

*1.2(2)(e): To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra.*

*1.2(2)(f): To maintain the unique identity and country character of Queanbeyan.*

Clause 3.6(b) of the Industry and Employment SEPP goes on to state that:

*A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied-*

*(b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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Schedule 5 provides the Assessment Criteria for an application. The criteria relevant to non-compliance of the application are as follows:

**1. Character of the area**

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

*Comment:* The proposed sign is not compatible with the existing or desired future character of the area or locality in which it is proposed to be located.

Whilst Council has not established a particular theme for outdoor advertising in Queanbeyan the development controls aim to maintain the unique identity and country character of Queanbeyan and to ensure development has a visually appealing appearance to the street. The proposed pole mounted digital advertising sign does not meet these controls and particularly does not fit into or identify a country character. The country character of the Queanbeyan entrance corridors is exemplified in the lack of billboard style signage including digital versions. The character is built from the relatively small scale non-digital signage attached to buildings and related to the Queanbeyan business premises upon which they are located.

**2. Special areas**

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

*Comment:* The proposed sign does not recognise Queanbeyan's natural, cultural and built heritage. The proposed sign is located approximately 100 metres from the open space bushland reserve area bounded by John Bull Street and Canberra Avenue and is part of the entrance corridor leading to the Queanbeyan residential area. The proposal does not reflect the country character or have a visually appealing appearance to the street. The proposed sign does not protect and enhance the visual amenity of entry points into Queanbeyan.

**3. Views and vistas**

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

*Comment:* The proposed sign will obscure or compromise important views and dominate the view on the main entry point into the Queanbeyan CBD. The proposed sign does not respect the viewing rights of other advertisers.

The proposed landscaping on Council's road reserve will block the advertising rights of the adjoining business.

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

Figure 10 below shows how the proposed digital advertising sign will dominate the skyline and does not respect the viewing rights of other advertisers, particularly the business identification sign located on the adjoining brick structure.

While the applicant has advised that they will comply with luminance levels as scheduled under Table 6 of the Transport Corridor Outdoor Advertising and Signage guidelines, it is still felt that this electronic digital advertising sign will still detract from the visual amenity of this major entry point to Queanbeyan.



**Figure 10**

**4. Streetscape, setting or landscape**

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

*Comment:* The proposed sign is inappropriate for the streetscape and setting. The size, location and illumination of the proposed sign will dominate the streetscape on this main entry into Queanbeyan City. Refer to the comments on character above. The proposed sign does not contribute to the visual interest of the streetscape or setting. The sign does not screen unsightliness. The photo montage provided by the applicant in their SEE indicates that the proposed sign will protrude above the roof line of the existing structure. There are no trees located on the site as all landscaping was previously removed from the site, therefore the structure will not protrude above tree canopies. The applicant has submitted a proposed landscape plan which provides for the planting of low shrubs below the sign and the planting of trees on Council's road reserve in Keelman Avenue and Canberra Avenue.



**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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The proposed landscaping on Council's road reserve will impact on advertising views of adjoining building and their advertising signage.

**5. Site and building**

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

*Comment:* The proposed sign is not compatible with the scale, proportion and other characteristics of the site. The photo montage provided by the applicant in their SEE indicates that the proposed sign will protrude above the roof line of the existing structure and will totally dominate the corner and the illumination will detract from all other views.

The proposed digital advertising sign is free standing and has no integration with the existing buildings or landscaping located on the site.

The proposed sign does not show innovation or imagination in its relationship to the site. The location of the sign appears to be placed and sized for maximum exposure without real reference to the site, buildings or streetscape.

**6. Associated devices and logos with advertisements and advertising structures**

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

*Comment:* The proposed sign has a flat platform designed as an integral part of the structure. The flat platform extends for the full width of the proposed sign. While the plans provided do not show the advertising companies name or logo attached to the structure, this is common with this type of sign in other jurisdictions.

**7. Illumination**

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

*Comment:* The illumination of the proposed sign would result in unacceptable glare in the locality. The illumination would affect the safety of drivers on Canberra Avenue and those turning from Canberra Avenue into Kealman Road. Please refer to comments provided by Council's Development Engineers.

The applicant has provided comments that they would comply with the requirements of Table 6 requirements for luminance Levels for digital Advertisements under the Transport Corridor Outdoor and Signage Guidelines.

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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**8. Safety**

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

*Comment:* The proposed sign would reduce the safety for traffic on Canberra Avenue. Please refer to comments provided by Council's Development Engineers.

**Queanbeyan Local Environmental Plan 2012 (QLEP 2012)**

The land is zoned IN2 – Light Industrial.

The objectives of the IN2 Light industrial zone are:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

The proposed development is defined as signage in the Dictionary under the QLEP 2012.

*signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following-*

- (a) an advertising structure,*
- (b) a building identification sign,*
- (c) a business identification sign*

*but does not include a traffic sign or traffic control facilities.*

The Land Use Table of the QLEP 2012 specifies that development for the purpose of signage is permitted with consent in the IN2 – Light Industrial Zone.

As state in the section on the Industry and Employment SEPP above the proposal is not considered consistent with the following Aims of the QLEP 2012:

**1.2 Aims of Plan**

*1.2(2)(d) to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;*

*1.2(2)(e): To protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra.*

*1.2(2)(f): To maintain the unique identity and country character of Queanbeyan.*

**Queanbeyan Development Control Plan 2012 (QDCP)**

The Queanbeyan Development Control Plan 2012 provisions are divided into two components: objectives and controls. The objectives provide the framework for assessment under each requirement and outline key outcomes that a development is expected to achieve. The controls contain both numerical standards and qualitative provisions. Any proposed variations from the controls may be considered only where the applicant successfully demonstrates that an alternative solution could result in a more desirable outcome that still meets the objectives.

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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The proposal generally complies with the relevant requirements of the QDCP with the exception of the following:

Part 7.1.2 – Overall Objectives for Industrial Development which states under subclause (5) that one of the objectives is to:

*(5) Ensure development has a visually appealing appearance to the street.*

The proposal for a large illuminated pole sign on the main entrance to Queanbeyan City does not present a visually appealing appearance to the street and will detract from the general vistas of Queanbeyan. On this basis it is considered that the proposed sign is inconsistent with the objectives of Part 7 of Council's applicable Queanbeyan Development Control Plan specified by sections 7.1.2 (5)

Part 7.2.2 – Building Design for Industrial Development states

*(5) Protect and enhance the visual amenity of entry points into Queanbeyan.*

*Comment:* The proposal for a large illuminated pole sign on the main entrance to Queanbeyan City and rural NSW does not protect and enhance the visual amenity of the main entry point into Queanbeyan.

The size, scale and dominance of the sign on this entry site detracts from the visual amenity of the main entry into Queanbeyan and rural NSW. On this basis it is considered that the proposed sign is inconsistent with the objectives of Part 7 of Council's applicable Queanbeyan Development Control Plan specified by sections 7.2.2 (5).

***Draft Environmental Planning Instruments (Section 415(1)(a)(ii))***

The draft Queanbeyan-Palerang LEP was publicly exhibited in June 2020. The draft plan has been considered as part of this assessment and has no effect on the proposed development.

***Planning Agreements (Section 4.15(1)(a)(iia))***

No planning agreement has been entered into or is proposed under section 7.4 of the *Environmental Planning and Assessment Act 1979* in relation to the land.

***Provisions of the Regulations (Section 4.15(1)(a)(iv))***

No provisions of Division 8 of Part 6 of the *Environmental Planning and Assessment Regulation 2000* are relevant to the proposed development.

***Likely Impacts of the Development (Section 4.15 (1)(b))***

The environmental impacts of the proposed development on the natural and built environment have been addressed in this report. This proposed digital advertising sign operating 24 hours per 7 days per week will consume large amounts of electricity.

There are articles that purport that the carbon footprint of digital signage is larger than traditional print signs. They result in continuing carbon emissions once installed as well. Recycling of their components is more complicated than traditional signs.

The proposed development is inconsistent with the dominant character in the locality. Refer to assessment under the SEPP (Industry and Employment) 2021.

The proposal will result in detrimental social or economic impacts on the locality.

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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***Suitability of the Site for Development (Section 4.15(1)(c))***

The site is located in an industrial zoned area on the main arterial road from Canberra leading into Queanbeyan and regional NSW. The site has sufficient area to accommodate the proposed pole sign. Therefore, the site is considered suitable for the proposed development.

The proposed new location of the pole sign with landscaping will remove a number of off-street car parking spaces. It will also inhibit access to the paved area at the front of the existing building and restrict access to the garage door (see photos in Figures 11 to 13 below).



**Figure 11 - Photos Shows Off street Parking Spaces that will be Removed to Locate Proposed Sign**



**Figure 12 - Photo Shows Concreted Area in Front of Existing Building that will be Difficult to Access.**

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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**Figure 13 - Photo Shows Access Doors to Building that will be Restricted by the Construction of the Pole Sign.**

***Submissions (Section 1.15(1)(d))***

The owners of adjoining and likely affected neighbouring properties were notified of the proposed development in accordance with the Queanbeyan-Palerang Community Engagement and Participation Plan 2019 from 7 December 2021 to 11 January 2022. There were no submissions received as a result of the notification process.

***The Public Interest (Section 4.15 (1)(e))***

The proposed sign does not promote the aims of the *Queanbeyan Local Environmental Plan 2012* in regard to the following. Specifically the proposal does not:

- (d) recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek;
- (e) protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra
- (f) maintain the unique identity and country character of Queanbeyan

The proposal also has the potential to create a precedent for this type of large billboard style digital signs in Queanbeyan and along the main transport corridors of the local government area. The proliferation of these types and size of signs will change the character of the entrances to Queanbeyan and the country feel of the town. This is a real concern, particularly for Queanbeyan being adjacent to the ACT where on Territory land, billboard advertising is not permitted. Already there have been digital advertising billboards constructed at Canberra Airport (which is not subject to the Territory Planning laws) and this proposed development is the first for the Queanbeyan-Palerang Regional Council local government area. Council's DCPs have not anticipated digital billboards and should be reviewed to ensure that the character and amenity of the town is retained into the future.

Accordingly, the proposal is not considered to be in the public interest.

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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***External Referrals***

*Transport for NSW* - Transport for NSW advised that the sign has an area of 18m<sup>2</sup> which falls under the size trigger of greater than 20m<sup>2</sup> and the height proposed of 5.2m is less than the height trigger of 8m. On this basis TfNSW did not provide a comment.

*Department of Infrastructure, Transport, Regional Development and Communications (Canberra Airport) - Flysafe* – Airspace Protection have issued an approval for the subject pole sign subject to conditions dated 29 March 2022.

*Department of Defence (HMAS Harman)* - The Department of Defence have issued a concurrence for the development dated 15 December 2021.

***Internal Referrals – Development Engineering.***

Council has received submissions from the Applicant (13 May 2022) and legal representations from the Applicant (26 July 2022) addressing and contesting Council's assessment of the application. In the assessment of the application, from Council's Development Engineering point of view, the most pertinent rebuttal regards the location of the proposed signage.

*Location of the Proposed Signage* - The applicant provided a revised location for the sign on 13 May 2022 in response to Council's assessment that the sign did not meet the location criteria of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (TCOASG). The amended location is approximately 30m further east than the original proposed site.

The amended location was accompanied by a supplementary road safety assessment prepared by ARRB and also dated 13 May 2022. This assessment finds that the location of the proposed sign with respect to the intersection of Kealman Road and Canberra Avenue is acceptable. Council contend that this is not correct and that the supplementary road safety assessment by ARRB has misconstrued the requirements of the TCOASG as well as the requirements of Austroads with respect to Safe Sight Distance.

Council contends that:

1. The TCOASG Section 3.2.3 a. i. requires that any signage be located at least the "Safe Sight Distance" from an intersection, merge point, exit ramp, traffic control signal or sharp curve.
2. The TCOASG specifically refers to "Safe sight distance" as per point 1 above. Council note that this specific term is not one used by Austroads Guide to Road Design. The ARRB supplementary road safety assessment refers to "Safe Stopping Distance" (SSD) without rationale and cites Austroads Guide to Road Design Part 3 as the source for the figures quoted. Additionally, this report attempts to use this parameter with respect to both Kealman Road and Canberra Avenue to argue acceptability.
3. The TCOASG Section 3.2.3 a. iii. specifically states that the signage should not be visible from the stem of a T-intersection. As such, if the sign is not visible from Kealman Road as required by this section of the TCOASG, then none of the sight distances (Neither SSD, ASD nor SISD as defined by Austroads Guide to Road Design) of the minor road are appropriate guidance controls as drivers using this road could not be distracted by the signage in any case. This is seen as a poor attempt to produce some small "Safe Stopping Distance" figures in an attempt to misconstrue guidance documents in a manner that could support this application.



**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

4. As the road users Council contends could be distracted by the signage proposal are the southbound travellers on Canberra Avenue, the appropriate sight distance to be used as a control in respect to TCOASG Section 3.2.3 should be the Safe Intersection Sight Distance as provided in Austroads Guide to Road Design Part 4a: Unsignalised and Signalised Intersections.

**3.2.2 Safe Intersection Sight Distance (SISD)**

SISD is the minimum sight distance which should be provided on the major road at any intersection.

Designers should note that the object height for the application of SISD has been increased to 1.25 m (previously driver eye height was used i.e. 1.1 m) based on research by the Department of Main Roads (Lennie et al. 2008). The basis of the 1.25 m object height for cars is that this height is 0.2 m less than the 15<sup>th</sup> percentile height of passenger cars (1.45 m) as determined by the study.

**Table 3.2: Safe intersection sight distance (SISD) and corresponding minimum crest vertical curve size for sealed roads ( $S < L$ )**

Design speed (km/h)	Based on safe intersection sight distance for cars <sup>(1)</sup> $h_1 = 1.1$ ; $h_2 = 1.25$ , $d = 0.36$ <sup>(2)</sup> ; Observation time = 3 sec					
	$R_T = 1.5$ sec <sup>(3)</sup>		$R_T = 2.0$ sec		$R_T = 2.5$ sec	
	SISD (m)	$K$	SISD (m)	$K$	SISD (m)	$K$
40	67	4.9	73	6	–	–
50	90	8.6	97	10	–	–
60	114	14	123	16	–	–
70	141	22	151	25	–	–
80	170	31	181	35	–	–
90	201	43	214	49	226	55
100	234	59	248	66	262	74
110	–	–	285	87	300	97
120	–	–	324	112	341	124
130	–	–	365	143	383	157

**Figure 14: Extracts from Austroads Guide to Road Design Part 4A.**

5. The critical location within the intersection as it relates to this application is the conflict location where through traffic (in a southbound direction) may conflict with right turners out of Kealman Road (i.e. distracted southbound drivers may strike right turners out of Kealman Road. Such a collision would likely be found to be the fault of both drivers but is contended that it's likelihood could be greatly reduced by not providing distracting sensory input to the southbound drivers.
6. The proposed location of the sign (as measured along the centreline of the through road (Canberra Avenue) is approximately 50m which is less than half the "Safe Stopping Distance" of 114m specified by the ARRB supplementary road safety assessment. As demonstrated above, combining the requirements of both Austroads Guide to Road Design Part 4A and the TCOASG Council concludes that the signage should not be located within approximately 181m of the intersection (subject to small adjustment due to grade/vertical curves of Canberra Avenue).

Therefore, Council concludes that not only has the Supplementary Road Safety Assessment by ARRB dated 13 May 2022 misconstrued the relevant requirements, but they have demonstrated that their proposal still does not comply with their own interpretation of the requirements let alone Council's assessment. Development Engineering maintains its objection to the proposal on road safety grounds as outlined above.

**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

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*Parking and Access* - The proposed signage is likely to result in the loss of two onsite parking spaces and restrict space that was otherwise intended for vehicle manoeuvring or parking to meet existing use approval/s.

The development will not generate an increase in vehicle movements as it is signage only. The existing site access would suffice for maintenance purposes if the application was approved.

*Luminance Levels* - If approved, the signage would need to comply with the zone requirements of Table 6 of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment).

*Dwell Time* – Dwell time is the period for which an individual advertising message remains on screen. The SEE accompanying the proposal indicates that the dwell time adopted for any advertisement would be a minimum of 10 seconds and that this is compliant with Palerang DCP (PDCP). However, the PDCP does not apply to the subject site. The applicable standard for dwell time is 25 seconds for signage addressing a road with a speed limit of 80km/h or greater. This requirement is found in Table 3 of the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment). If the application was to be approved, a condition would be imposed to utilise minimum dwell times of 25 seconds in accordance with the above.

*Summary of Development Engineering Issues* - The location of the proposed sign is not in accordance with the road safety prescriptions in the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment). Additionally, when assessed against the Assessment Criteria in the Industry and Employment SEPP, it is considered that the proposal could reduce the safety of Canberra Avenue (as a public road). As such, the proposed location is not considered suitable for the development.

### **Financial Implications**

No developer contributions are relevant to this proposal.

As with any determination resulting in the refusal on an application, there is the possibility that an appeal against the determination could be lodged by the applicant in the Land and Environment Court.

### **Conclusion**

The proposed development has been assessed using the heads of consideration listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is found to be unsatisfactory.

The key issues of the impacts of the proposed pole mounted, digital advertising sign can be summarised as follows:

- i. *Inconsistencies with the Industry and Employment SEPP* - The proposed development is not consistent with a number of objectives and assessment criteria of the SEPP.
- ii. *Inconsistent with the Objectives of the QLEP* - The proposed development is inconsistent with the dominant character in the locality. Further the proposal will result in detrimental social or economic impacts on the locality.









**9.1 Development Application DA.2021.1716 - Erection of a Digital Advertising Structure - Lot 3 SP 93173 known as 3-5 Gregory Street, Queanbeyan West (Ref: ; Author: Thompson/Jauncey) (Continued)**

- iii. *Inconsistent with the Objectives of the QDCP* - The proposal for a large illuminated pole sign on the main entrance to Queanbeyan City does not present a visually appealing appearance to the street and will detract from the general vistas of Queanbeyan. On this basis it is considered that the proposed sign is inconsistent with the objectives of Part 7 of Council's applicable Queanbeyan Development Control Plan specified by sections 7.1.2 (5) and 7.22(5).
- iv. *Road Safety* - As discussed by Council's Development Engineer the proposed sign is not in accordance with the road safety prescriptions in the Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Department of Planning and Environment). Additionally, when assessed against the Assessment Criteria in Schedule 1 of SEPP 64, it is considered that the proposal could reduce the safety of Canberra Avenue (as a public road). As such, the author does not believe the proposed location is suitable for the development.
- v. *Loss of Off-Street Carparking* – The proposal will reduce the number of off-street parking spaces.
- vi. *The Public Interest* - The proposed sign does not promote the aims of the *Queanbeyan Local Environmental Plan 2012* particularly relating to vistas and visual amenity entering Queanbeyan City.

As such the application cannot be supported and should be refused.

**Attachments**

- |   |   |
|---|---|
| Attachment 1<br> | DA.2021.1716 - S4.15 Assessment Matters for Consideration - Digital Advertising Structure - 3/5 Gregory Street, Queanbeyan West ( <i>Under Separate Cover</i> ) |
| Attachment 2<br> | DA.2021.1716 - Elevations and Section - Digital Advertising Structure 3/5 Gregory Street Queanbeyan West ( <i>Under Separate Cover</i> )                        |
| Attachment 3<br> | DA.2021.1716 - Photo Montage - Digital Advertising Structure - 3/5 Gregory Street Queanbeyan West ( <i>Under Separate Cover</i> )                               |
| Attachment 4<br> | DA.2021.1716 - Landscape Plan - Digital Advertising Structure - 3/5 Gregory Street Queanbeyan West ( <i>Under Separate Cover</i> )                              |
| Attachment 5<br> | DA.2021.1716 - Supplementary Road Safety Assessment - 3/5 Gregory Street Queanbeyan West ( <i>Under Separate Cover</i> )  |
| Attachment 6<br> | DA.2021.1716 - Applicant's Representations Received 26 July 2022 Prior to Assessment of Amended Proposal ( <i>Under Separate Cover</i> )                        |

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.2 Modification Application 452-2000.A - Extension to Operating Hours - Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra (Ref: ; Author: Thompson/Verghese)**

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**File Reference:** 452-2000.A

**Recommendation**

**That modified development application 452-2000.A, for the extension of the hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive Jerrabomberra, be granted conditional approval.**

**Summary*****Reason for Referral to Council***

This application has been referred to Council as directed by the Portfolio General Manager because the potential social impacts of the proposal have been raised as a matter of concern by the Police.

**Proposal:** Extension to the hours of operation for the Jerrabomberra Hotel bar:

- Existing: 9:00am – 1:00am the following morning on Monday to Sunday
- Proposed: 9:00am – 3:00am the following morning on Monday to Sunday.

**Applicant/Owner:** Kristy Mutch / Jerra Hotel Pty Limited

**Subject Property:** Lot 4 DP 1037309, No. 2 Limestone Drive Jerrabomberra

**Zoning and Permissibility:** B1 – Neighbourhood Centre under Queanbeyan Local Environmental Plan 2012

**Public Submissions:** Nil

**Issues Discussed:** There was one principle issue as the applicant proposed to modify the wrong development consent. The application was amended to modify the correct consent, application 452-2000.

**Disclosure of Political Donations and Gifts:** Applicant Declared no Donations or Gifts to any Councillor or Staff have been made

**Background**

In January 2004 the development consent for what makes up the neighbourhood commercial centre in Limestone Drive, Jerrabomberra was approved and included the supermarket and specialty shops, tavern (now known as the Jerrabomberra Hotel), takeaway food shop and service station (DA 452-2000). That approval included hours of operation for the Jerrabomberra Hotel.

The operators of the hotel are now seeking to extend the hours of operation for the Hotel from 1.00am in the morning until 3.00am in the morning.

In addition, a separate application for an extension to create a gaming lounge was approved at the hotel in 2012 (DA 124-2012). The consent for the gaming area included its own hours of operation which were generally consistent with the original consent issued in 2004.

**9.2 Modification Application 452-2000.A - Extension to Operating Hours -  
Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra (Ref: ; Author:  
Thompson/Verghese) (Continued)**

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However, in July 2021 the consent for the gaming area was modified to allow the hours of operation for the gaming area to be 9.00am to 3.00am the following day. Unfortunately, this time extension applied to the gaming area only, and the remaining part of the premises including the bar was still restricted to 1.00am closing.

***Proposed Development***

Given the above this application is to modify the hours of operation for the Jerrabomberra Hotel bar from 9:00am-1:00am Monday to Sunday, to 9:00am-3:00am on Monday to Sunday. This will ensure the hours of operation for the gaming area and bar are consistent.

***Subject Property***

The subject site is legally described as Lot 4 DP 1037309 and is commonly known as 2 Limestone Drive, Jerrabomberra. The site is located on the south eastern corner of Limestone Drive and has an area of 2759m<sup>2</sup>.

Existing development on the site comprises the Jerrabomberra Hotel and a Bottlemart.

Vehicular access is provided to the site via an existing right of carriageway from Limestone Drive, Jerrabomberra.

***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 4.55(1A) of the *Environmental Planning and Assessment Act (EPAA) 1979*, as amended. The matters that are of relevance under Section 4.55(1A) are summarised in the attached *Section 4.55 Table – Matters for Consideration*.

The following planning instruments have been considered in the planning assessment of the subject development application:

1. *State Environmental Planning Policy (Transport and Infrastructure) 2021*
2. *State Environmental Planning Policy (Resilience and Hazards) 2021*
3. *Queanbeyan Local Environmental Plan 2012 (LEP)*.
4. *Queanbeyan Development Control Plan 2012 (DCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issues relating to the proposal for the Council's consideration are as follows.

***(a) Compliance with LEP***

The proposed extension to the hours of operation for the bar is generally considered to be consistent with the aims and controls of the *Queanbeyan Local Environmental Plan 2012 (LEP)* as the proposal encourages economic and business development and will not adversely impact Queanbeyan's natural, cultural and built heritage or scenic quality, views or vistas within Queanbeyan. ***(b) Compliance with DCP***

The application proposes no construction works and the proposal is consistent with part 2 of the *Queanbeyan Development Control Plan 2012 (DCP)*.

**9.2 Modification Application 452-2000.A - Extension to Operating Hours -  
Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra (Ref: ; Author:  
Thompson/Verghese) (Continued)**

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**(c) Other Matters**

*Social Impacts* - The NSW Police have identified the current crime trend for the Jerrabomberra Hotel as alcohol related crimes, including drink driving and assaults (Attachment 4).

The extension to the hours of operation for the bar could be seen as further facilitating these alcohol related crimes as patrons will be granted increased access to alcohol for extended periods of time. Alcohol consumption is associated with a wide range of health and social problems and the NSW Police have identified that there is a strong link between physical availability of alcohol, alcohol consumption and alcohol-related harm.

The NSW Police also have concerns that increasing foot traffic could result in patrons partaking in anti-social behaviour within the surrounding area, particularly at the nearby 7-Eleven Service Station, KFC and McDonald's. Additionally, increased access to alcohol in conjunction with the recently approved extended hours of operation for the gaming machines within the Jerrabomberra Hotel could result in increased rates of gambling addiction amongst patrons.

Similarly it could be argued that the need for licenced premises to be open until 3.00am is difficult to justify in a relatively quite suburban area.

However, whilst there are a number of social impacts and concerns associated with the extended hours of operation for the bar at the Jerrabomberra Hotel, it is unlikely that the venue will have a large number of patrons during the two additional operating hours, particularly on Monday – Thursday.

Despite the potential social risks identified by the NSW Police, they have offered no objections to the increased hours of operation, provided the Hotel maintains a security presence until at least 30 minutes after closure and if they continue their free bus service. These were conditions of consent placed on the modified consent for the gaming area when the hours of operation changed. As such, it is appropriate that they also be applied to the extended hours for the bar area. It is seen that these measures will help to reduce antisocial behaviour such as drink driving and assaults.

Additionally, the application was notified to adjoining owners and the Jerrabomberra Resident's Association from 21 June 2022 to 7 July 2022 with no submissions being received.

**Other Comments(a) Environmental Health Comments**

Council's Environmental Health Officer has offered the following comments:

*'The existing hours of operation from the previous DA(124.2012.A) and supporting acoustic report will not be impacted by the inclusion of the bar area'*

**Financial Implications**

Nil.

**Engagement**

The proposal was notified in accordance with QPRC's Community Engagement and Participation Plan 2019 from 21 June 2022 to 7 July 2022. No submissions were received.

**Conclusion**

The submitted proposal is for the extended hours of operation for the Jerrabomberra Hotel bar on Lot 4 DP 1037309, 2 Limestone Drive, Jerrabomberra. The application is supported by a

**9.2 Modification Application 452-2000.A - Extension to Operating Hours -  
Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra (Ref: ; Author:  
Thompson/Verghese) (Continued)**

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Statement of Environmental Effects and was notified to adjoining owner/occupiers and no submissions were received.

The proposal has been assessed under Section 4.55(1A) *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Queanbeyan Local Environmental Plan 2012* and *Queanbeyan Development Control Plan 2012*.

The development satisfies the requirements and achieves the objectives of these instruments.

The proposed development is considered suitable for the site, is compatible with the neighbourhood and can be conditioned to mitigate any potential impacts.

The following changes to conditions of consent are recommended for inclusion in any consent:

The following condition of consent is to be modified:

**Condition 9**

9. The hours of operation for the commercial/retail part of the development are restricted to the following:

**Supermarket**

Trading hours - 7.00am to midnight Monday to Saturday and 8.00 am to 8.00 pm Sundays/Public Holidays

Delivery hours - 6.00am to 9.00pm Monday to Saturday and 7.00 am to 8.00 pm Sundays/Public Holidays.

**Jerrabomberra**

Trading hours - Sunday to Saturday 9.00am to 3.00am the following day

Delivery hours - 6.00am to 6.00 pm Monday to Saturday, no deliveries Sundays/Public Holidays.

**Drive-in take-away food shop**

Trading hours - Sunday to Saturday 6.00am to 12 midnight

Delivery hours - 6.00am to 6.00 pm Monday to Saturday, no deliveries Sundays/Public Holidays.

**Service station**

Trading hours - Sunday to Saturday 6.00am to 12 midnight

Delivery hours - 6.00am to 6.00 pm Monday to Saturday, no deliveries Sundays/Public Holidays.

*Reason: To ensure a noise problem does not result from the development.*

**9.2 Modification Application 452-2000.A - Extension to Operating Hours -  
Jerrabomberra Hotel - 2 Limestone Drive, Jerrabomberra (Ref: ; Author:  
Thompson/Verghese) (Continued)**

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The following are new conditions to be added to the consent.

**Condition 1C**

**1C. Modified Plans**

The development referred to in the application is to be carried out in accordance with the original approved plans except as modified by the plans numbered 452-2000.A listed in the below table and in accordance with this schedule of conditions.

<b>Title / Description</b>	<b>Prepared by</b>	<b>Issue/Revision &amp; Date</b>	<b>Date received by Council</b>
Floor Plan	Darren Mah Design	Revision A dated July 2018	30 May 2022

*Reason: Development is undertaken in accordance with this consent & is used for the approved purpose only.*

**Condition 9A**

**9A. Security Presence**

The Jerrabomberra Hotel is to maintain a security guard on the premises until 30 minutes after closure of the venue.

*Reason: To mitigate anti-social behaviour by patrons*





**Condition 9B**

**9B. Courtesy Bus**

The Jerrabomberra Hotel is to maintain its courtesy bus service on Thursday, Friday, and Saturday until the closing time of 3:00am.

*Reason: To mitigate drink driving and anti-social behaviours*

**Attachments**

- |   |  |
|---|--|
| Attachment 1<br> | DA 452-2000.A - 4.55(1A) Assessment Report - Modification: Extend Hours of Operation - 2 Limestone Drive, Jerrabomberra ( <i>Under Separate Cover</i> )              |
| Attachment 2<br> | DA 452-2000.A - Floor Plan - Modification: Extend Hours of Operation - 2 Limestone Drive, Jerrabomberra ( <i>Under Separate Cover</i> )                              |
| Attachment 3<br> | DA 452-2000.A - Proposed Modified Conditions of Consent - Modification: Extend Hours of Operation - 2 Limestone Drive, Jerrabomberra ( <i>Under Separate Cover</i> ) |
| Attachment 4<br> | DA.452-2000.A - Police Submission - 2 Limestone Avenue, Jerrabomberra ( <i>Under Separate Cover</i> )  |



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans)**

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File Reference: REV.2022.1001

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**Recommendation**

That:

1. Council note that it is precluded from refusing an application on 'heritage grounds' under s.4.48 of the *Environmental Planning and Assessment Act 1979* where:
    - The application is for integrated development for which a heritage approval is required; and
    - The same development is the subject of a heritage approval.
  2. That the section 8.2 review application (REV.2022.1001) of development application DA.2021.124 for a two lot Torrens title subdivision including ancillary demolition of two sheds and garage and associated works on Lot 1 DP 598830 at 119 Wallace Street, Braidwood be granted conditional approval.
  3. Heritage New South Wales be forwarded a copy of Council's Notice of Determination.
- 

**Summary**

Where the original determination on a development application is made by the full Council and, a review of that application under section 8.2 of the *Environmental Planning and Assessment Act 1979* is requested, the full Council must also determine the review.

Proposal:	Two lot Torrens title subdivision including ancillary demolition of two existing sheds and garage and associated works.
Applicant/Owner:	Zen Ruby Pty Ltd. / Zen Ruby Pty Ltd.
Subject Property:	Lot 1 DP 598830 at 119 Wallace Street, Braidwood, NSW.
Zoning and Permissibility:	B2 Local Centre and B4 Mixed Use Zone under the Palerang Local Environmental Plan 2014.
Public Submissions:	Four (4)
Issues Discussed:	Clarification of Section 60 Approval under the <i>Heritage Act 1977</i> and Integrated Development under the <i>Environmental Planning and Assessment Act 1979</i> . Planning issues. Notification requirements.
Disclosure of Political Donations and Gifts:	Applicant Declared no Donations or Gifts to any Councillor or Staff have been made.

Following Council's refusal of development application DA.2021.1240 on 9 March 2022, the Applicant has lodged a review of determination application under section 8.2 of the *Environmental Planning and Assessment Act 1979*.

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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The application has been properly made and the Applicant has demonstrated that the application as made is substantially the same development as originally considered in DA.2021.1240.

The Applicant has confirmed the application has been modified to include consent for demolition and minor works already approved by Heritage NSW as part of this application, which is available to the Applicant under section 8.3(3) of the Act.

The Applicant has also modified the application to follow the Integrated Development assessment path.

Council is required to process a review of determination application in the same way as the original DA, including any modifications made by the Applicant. The application is now for Integrated Development, so Council referred it to Heritage NSW for their consideration. Heritage NSW confirmed that Section 60 Approval under the *Heritage Act 1977* has been issued for the subdivision to create 2 lots, demolition and ancillary works as now proposed in this application.

**Background****Recent Actions**

Council at its meeting of 27 January 2022 (Minute No. 028/22) resolved in relation to development application DA.2021.1240:

*That:*

1. *Consideration of development application DA.2021.1240 for a two lot Torrens title subdivision and demolition of two existing sheds and garages on Lot 1 DP 598830, No. 119 Wallace St Braidwood be deferred until after a workshop has been held with representatives from Heritage NSW to ascertain:*
  - a. *The Heritage Council's view as to the necessity for the proposed subdivision boundary to pass through the T shaped sheds given that this results in the need to demolish those sheds.*
  - b. *The Heritage Council's view as to whether relocating the subdivision boundary clear of the T-shaped sheds would impact on the section 60 approvals already provided in relation to the proposed subdivision and demolition.*
2. *Prior to reconsidering this matter, Councillors conduct an onsite inspection in conjunction with the owner of the premises and that representatives from Heritage NSW be invited to attend.*

Following Council's resolution, an on-site inspection was conducted on Tuesday 22 February 2022. In attendance were the owner/applicant, Mayor Winchester, Councillors Grundy and Willis and Council staff.

The site inspection was followed with an online meeting with a representative of Heritage NSW. In addition to the previously mentioned Councillors, Councillor Preston joined that meeting as did the Acting Chief Executive Officer.

### 9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

The Heritage NSW representative provided an overview of the process and confirmed consent for demolition of the sheds is to be determined under the *Environmental Planning and Assessment Act 1979*.

Consequently, a report on that development application was resubmitted to Council for its determination.

At its meeting of 9 March 2022 Council determined to refuse the Development Application for the following reasons:

- The proposed development is considered to have an unacceptable impact on the public interest.
- The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance.

The Applicant lodged a review of that determination on 11 April 2022 which is the subject of this report.

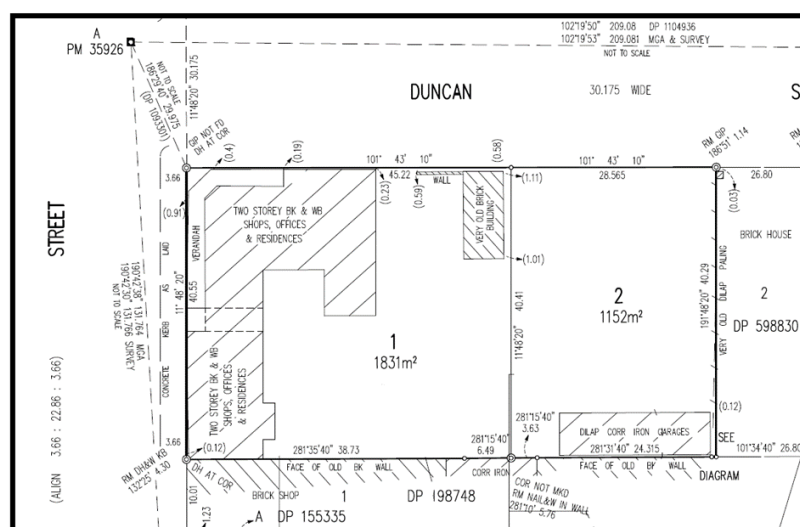
#### **Proposed Development**

The proposed development is for the subdivision of land to create two Torrens title lots, demolition of two existing corrugated iron sheds and garages and works to existing buildings as approved by Heritage NSW.

Specifically, the proposal includes:

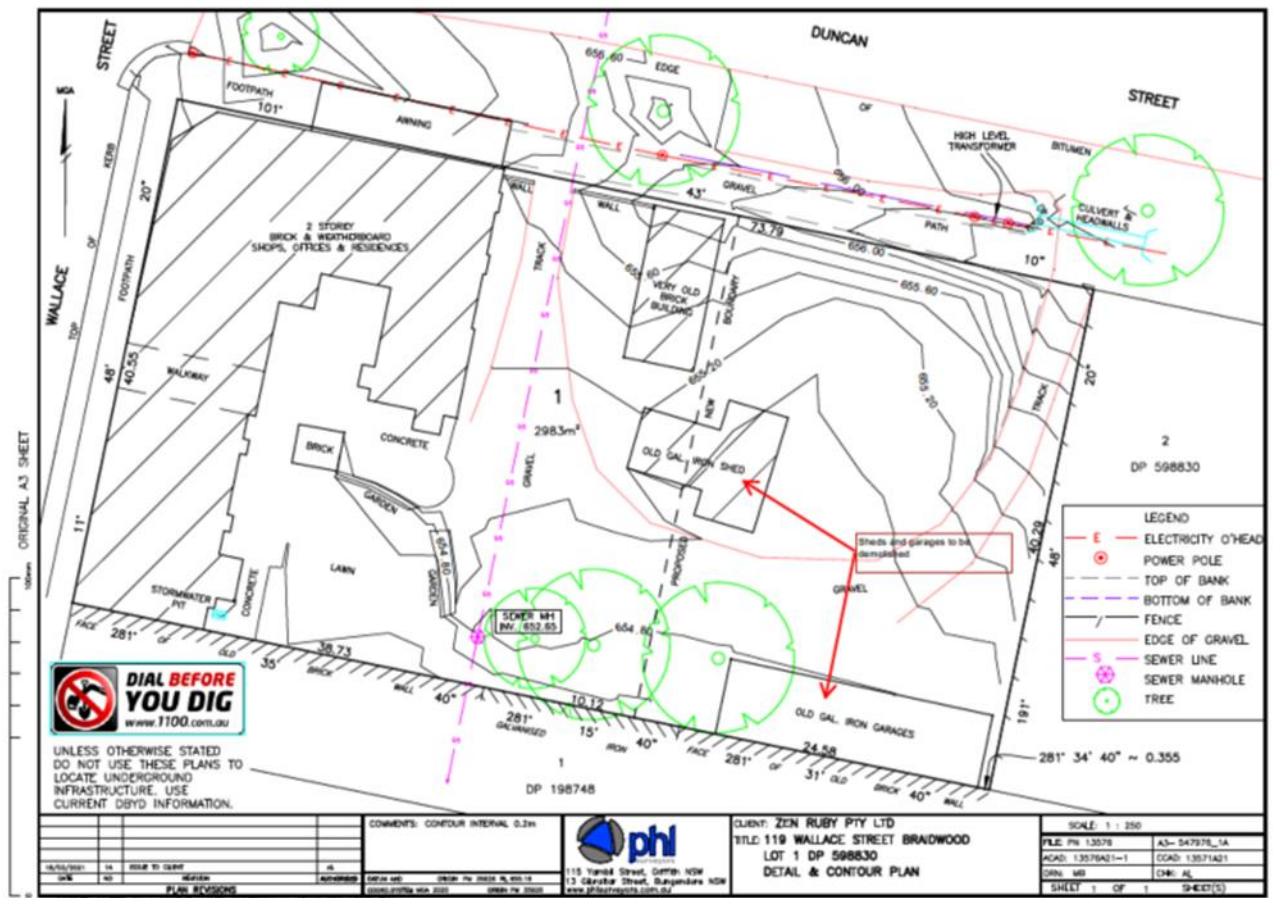
- Subdivision of the existing 2983m<sup>2</sup> Torrens title allotment into two lots:
  - Proposed Lot 1 at 1831m<sup>2</sup> fronts Wallace and Duncan Streets. The proposed lot will incorporate the existing Albion Hotel building, shops & offices. This allotment will also retain the brick stables structure in the north eastern corner of the proposed lot.
  - Proposed Lot 2 at 1152m<sup>2</sup> fronts Duncan Street. Following the proposed demolition the new allotment will be vacant.
- Demolition of two existing sheds (T-Shaped sheds) in the centre of the site and garage/carport at the rear of the lot.

Figure 1 below shows the proposed subdivision boundary with the existing structures to be demolished labelled in Figure 2.



**Figure 1: Proposed Subdivision Layout**

### 9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)



**Figure 2 – Survey Plan showing proposed subdivision boundary (dotted black) and existing buildings to be demolished indicated by red arrows.**

Heritage NSW issued a Section 60 (s60/2020/260) Approval for subdivision of the existing site into two lots. That approval included the subdivision consistent with the Figure 1 Proposed Subdivision Layout above. The approval did not include any physical works.

A subsequent approval was issued by Heritage NSW under Section 60 (s60/2021/102) for physical works as follows:

- Works to brick stables building involving a self-levelling cement compound over existing concrete floor
- Replacing the roof of the stables with like for like material
- Repairing the stables brickwork
- Installation of plumbing into stable for sink connection
- Reinstall previous fit out including sink, bench, installation of bathroom
- Extension to timber deck and slab off the stables to the west
- Removal of T- shaped shed
- Removal of sheds on south boundary line, and
- Construct awning to small brick storage shed.

These works are shown in Figures 3- through 7 below.

9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

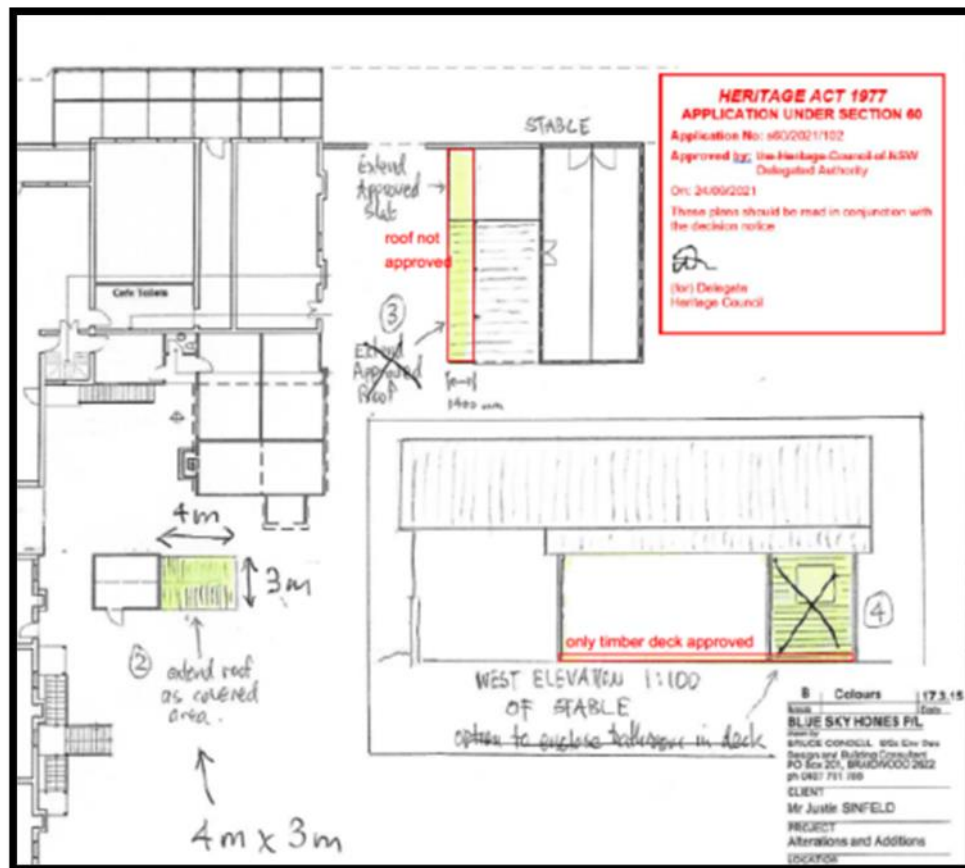


Figure 3: Proposed works – Extend roof to brick store, extend timber deck and slab to stables

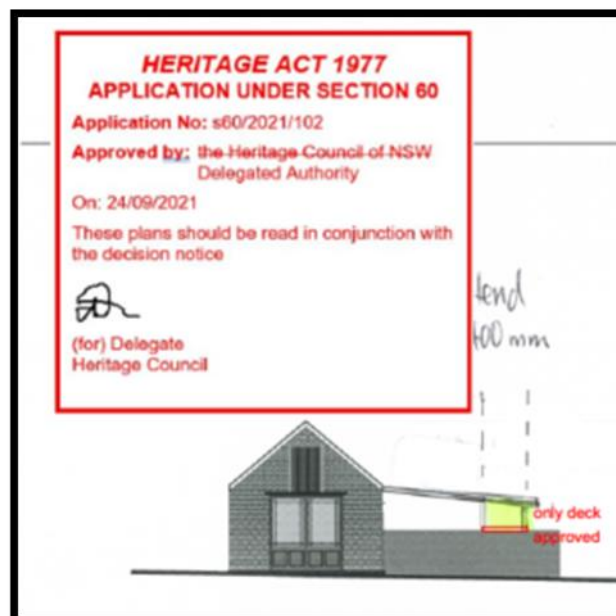
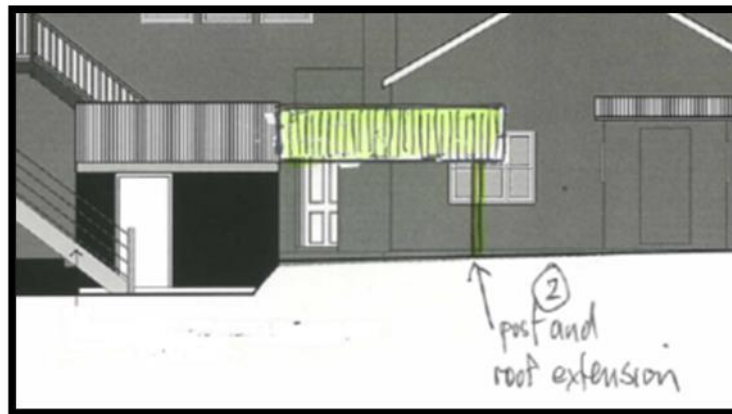


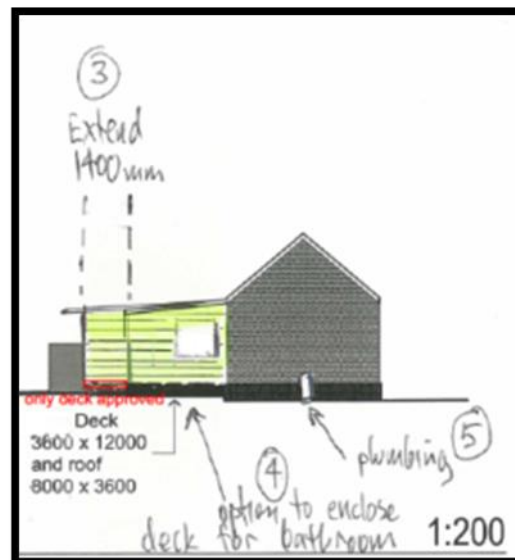
Figure 4: Proposed works –timber deck to stables

9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

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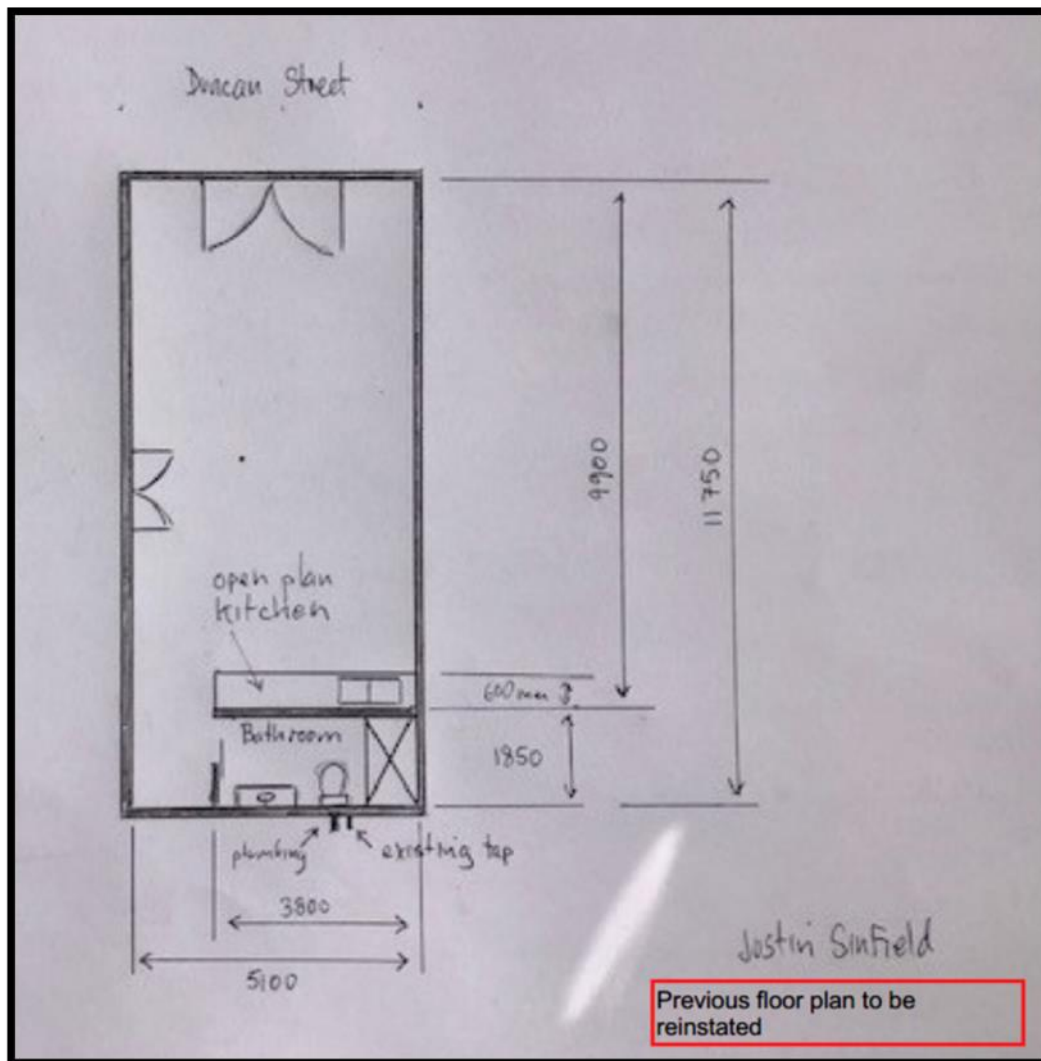
**Figure 5: Proposed works – roof extension to brick store**



**Figure 6: Proposed works - timber deck and existing plumbing**



9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)



**Figure 7 – Stables internal floor plan to be reinstated**

### Subject Property

The subject site is legally described as Lot 1 DP 598830 and is commonly known as 119 Wallace Street, Braidwood. The site is located on the eastern side of Wallace Street and the southern side of Duncan Street and has an area of 2983m<sup>2</sup>.

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**



**Figure 8 –Aerial image of site with land use zoning overlaid**

The site is relatively flat and contains minimal existing vegetation, except for two large trees on the southern side of the site. No vegetation clearing is proposed.

Existing development on the site comprises several structures including the Albion Hotel building which sits on the corner of Wallace Street and Duncan Streets. There is a 2 storey terrace building to the south of the Hotel on Wallace Street that accommodates shops, offices and dwellings above. The brick stables building adjoins the Hotel to the east and fronts Duncan Street.



**Figure 9 – Albion Hotel to Wallace Street**



**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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The site also accommodates 2 timber framed, corrugated iron clad sheds in a T-shape, central to the lot.



***Figure 10 – View to site from Duncan Street with T shaped sheds (centre right) and brick stables (right)***



***Figure 11 – T shaped sheds (centre) and brick stables (rear left)***

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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A dilapidated timber and sheet metal open structure ('garage') is located to the southern boundary.



***Figure 12 – Metal and timber 'garage'***

A small stand-alone brick store is located adjacent to the rear of the shop, office & residence building.



***Figure 13 – Rear of shop building (left) and Hotel with brick store in foreground***



**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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Vehicular access is provided to the site via two existing driveways from Duncan Street. Existing development within the locality consists of a mixture of uses predominantly offices, business, retail and low-density residential premises.



***Figure 14 – Existing entrance off Duncan Street with old garages to rear.***

### ***Site History***

A summary of all relevant structures located on the site and their history is provided below:

*Hotel* - The existing hotel structure on the subject site currently operates as a café though Council records indicate that the structure has previously been utilised as a dwelling from the 1930s to 1980s and prior to that a hotel in varying forms has existed since the 1840s.

*Shops / dwellings* - The two storey terrace shops located to the south-west of the site were constructed in the 1920s and contain three commercial tenancies. Dwellings are upstairs.

*Brick Stables* - The existing brick stable structure previously operated as the offices for the Braidwood Times newspaper. The building is vacant and has been gutted and part of the roof is missing. It's most recent use appears to have been an unauthorised café for a short period of time. The structure is in need of repair.

9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

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*Figure 15 – Brick Stables from Duncan Street*



*Figure 16 – Stables internal*



**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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*T-Shaped Shed* - A conjoined (T-shaped) pair of single-storey, timber-framed and gable roofed buildings clad in short-length corrugated metal sheeting (rusted in parts), are situated immediately south of the stables. Three single-leaf timber doors. Utilitarian character used as storage. Likely early 20th century in origin. The Heritage Impact Statement (Baseline Historical Archaeological Assessment by GML Heritage) indicates these buildings are not significant from a heritage perspective.



***Figure 17 – T-Shaped Sheds (centre) and Brick Stables (right) from Duncan Street***

*Garage/Carports* – Detached, low-slung, timber-framed structures, clad in short-length corrugated metal sheeting (rusted) are located along the rear boundary brick wall (at 103 Wallace Street), in the south-east corner of the site. Divided into six small bays. Ramshackle condition. Likely early 20th century in origin. The Heritage Impact Statement (Baseline Historical Archaeological Assessment by GML Heritage) indicates these buildings are not significant from a heritage perspective



***Figure 18 – Old garages/carports to rear.***

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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***Planning Requirements***

Assessment of the application has been undertaken in accordance with Section 4.15 of the *Environmental Planning and Assessment Act (EP&AA) 1979*, as amended. The matters that are of relevance under Section 4.15 are summarised in the attached *Section 4.15 Assessment Report – Matters for Consideration* (Attachment 1).

The following planning instruments have been considered in the planning assessment of the subject development application:

1. *State Environmental Planning (Resilience & Hazards) 2021*
2. *State Environmental Planning Policy (Transport & Infrastructure) 2021*
3. *State Environmental Planning Policy (Biodiversity & Conservation) 2021*
4. *Palerang Local Environmental Plan 2014 (PLEP 2014)*.
5. *Braidwood Development Control Plan 2015 (BDCP)*

The development generally satisfies the requirements and achieves the objectives of these planning instruments. The significant issue relating to the proposal for the Council's consideration are the limitations under section 4.48 regarding work to state heritage items already approved by Heritage NSW. The other items to be considered are the issues raised in submissions received during the notification period objecting to the proposed development.

***(a) Compliance with LEP***

***Generally***

The proposed development complies with the requirements of the *Palerang Local Environmental Plan 2014*. Of particular relevance are the heritage considerations as discussed below. For a detailed assessment against the provisions of the LEP please refer to the attached *Section 4.15 Assessment Report* (Attachment 1).

The proposal is permissible and meets the minimum lot size requirement for the purposes of clause 4.1 of Part 4 of the PLEP 2014. The proposal is for a compliant development.

***Heritage Considerations - Clause 5.10 - Heritage Conservation***

The subject site is located within the C1- Braidwood Heritage Conservation Area (State listing) and also contains an individually listed State Heritage Item. The site is also listed as Item I126 in Schedule 5 of the LEP as having State significance.

Given Heritage NSW have approved the subdivision including demolition and minor works as listed, Council sought advice from its solicitors on the application of Section 4.48 of the *Environmental Planning and Assessment Act 1979* and its ability to determine the application as now sought.

Section 4.48 applies to development that is “*integrated development for which a heritage approval is required*”. The development, the subject of the application meets this description.

Integrated development is development that requires development consent and one or more additional approvals, generally from a State government authority. In this case, the development requires an approval under s 58 of the *Heritage Act 1977* for the doing or carrying out of an act, matter or thing referred to in s 57(1) of that Act. In lodging the review application REV.2022.1001, the proponent has amended the application to nominate the development as “integrated development”.

Council is reminded that the Review of Development application now presented varies from the development application DA.2021.1240 previously refused. DA.2021.1240 was lodged as local development and did not seek approval for integrated development. Council was not constrained by Section 4.48 in its consideration of that previous development application.

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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This is an important change that has legal implications for Council's determination of the application. Council's solicitors advise that;

*The Council is precluded from refusing the application on 'heritage grounds' under s.4.48 of the EPA Act. In our view this includes any heritage related considerations arising from the inclusion of the item in schedule 5 of the Palerang Local Environmental Plan 2014 (PLEP 2014).*

*If the Council were to refuse the application on heritage grounds the proponent may seek review of the merits of that decision in Class 1 Land and Environment Court Proceedings or challenge the validity of the decision in Class 4 judicial review proceedings in the Land and Environment Court.*

Most importantly the advice concludes that:

*The Council has no authority to refuse the development application on heritage grounds where the same development is already the subject of heritage approvals issued by State Heritage NSW. If it were to refuse the application on heritage grounds, the Council would likely be acting beyond power, and its decision would be liable to be set aside if the validity of its decision were challenged in Court.*

The full transcript of the advice is provided to Councillors as a confidential attachment to the Council report.

*Clarification on Approval Pathway*

The proposed development requires development consent pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* and *Palerang Local Environmental Plan 2014*. Council is the consent authority. It also requires consent under Section 60 of the *Heritage Act 1977* for the doing or carrying out of an act, matter or thing referred to in Section 60 that Act.

The Applicant sought an Integrated Development consent pathway which is available for applications that require both development consent and approval under the Heritage Act.

*Integrated Development* - The Applicant can elect to have Council process the Development Application (DA) as an 'Integrated Development Application' (IDA).

A copy of the approvals by Heritage NSW are attached to this report.

Council should also be aware of the provisions of section 4.48 of the *EP&A Act 1979*. This section provides that if an Integrated Development Application is lodged Council cannot refuse the application on heritage grounds if a heritage approval has already been issued.

*4.48 Consent authority may not refuse certain development applications.*

*(1) This section applies to the determination by a consent authority of a development application for development that is integrated development for which a heritage approval is required.*

*(2) A consent authority must not refuse development consent on heritage grounds if the same development is the subject of a heritage approval.*

This means that Council does not have the discretion to refuse this application on heritage grounds.

The T shaped sheds and garages have been approved for demolition by Heritage NSW under the Heritage Act. Council's merit assessment considerations cannot extend to whether they should be retained. Council does not have the discretion to refuse the application, on heritage grounds, including the proposed demolition of these structures.

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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*Council's Heritage Advisor's Position*

Council's Heritage Advisor opposes the proposal given it will result in the demolition of the existing T-Shaped Shed located in the middle of the lot. The view of Council's Heritage Advisor is noted but is effectively negated by the Council's inability to refuse the application on heritage grounds.

*Heritage NSW Position*

The applicant has sought and obtained separate and associated minor works approval from Heritage NSW for the subdivision and demolition of the T shaped sheds and garage structure under Section 60 of the NSW *Heritage Act 1977*. Heritage NSW has subsequently issued Section 60 Approval for both the subdivision layout and demolition of the T shaped sheds and garage structure at the rear of the proposed Lot 2. They confirm that as Heritage Act approval has been given no further approvals are required by their Department.

The advice by BAL is to be noted here. Specifically, that the explanation of the bill that introduced s.4.48 explained that the purpose of s4.48 was to *remove the ability of a council to refuse a development on heritage grounds when it has been rigorously assessed and approved by the Heritage Council, because it is logical that the states prime heritage body...should have a primary role in assessing the heritage impact of a development*. This reflects the hierarchy in heritage listings, with items on the State Heritage Register being of broader heritage significance than items listed on the local register.

Council's legal advice confirms that the State Heritage Council, in determining whether to issue a heritage approval under s 57, is required to consider impacts on local heritage including *the extent to which that application, if approved, would affect the significance of any item as an item of the environmental heritage*. "Environmental heritage" is defined in the Heritage Act as *those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance*.

As such they conclude that:

*Consequently, in our view, the constraint imposed on the Council by s 4.48(2) prevents Council from refusing development consent to the application based on heritage grounds, notwithstanding that the Albion is listed as an item of environmental heritage under schedule 5 of the PLEP 2014 as well as being listed on the State Heritage Register. In our view, the practical effect of this is that any reasons for refusal (if the application is refused) must not be heritage related reasons.*

**(b) Compliance with DCP**

The proposed development complies with the requirements of the Braidwood Development Control Plan. For a detailed assessment against the provisions of the DCP please refer to the attached Section 4.15 Assessment Report.

**(c) Development Engineer's Comments**

Council's Development Engineer offered no objection to the proposal, subject to the imposition of the recommended conditions of consent.

**(d) Building Officer's Comments**

Council's Building Officer offered no objection to the proposal, subject to the imposition of the recommended conditions of consent.

**9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)**

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**(e) Environmental Health Officers Comments**

Council's Environmental Health officer offered no objection to the proposal, subject to the imposition of the recommended conditions of consent.

**Financial, Budget and Resource Implications**

Should consent be issued it would include a condition that the new lot pay development contributions.

Should consent not be issued the Applicant may elect to pursue legal action with associated legal costs anticipated for Council.

**Engagement**

The application was notified in accordance with the QPRC Community Engagement and Participation Plan from 27 May to 24 June 2022 with four (4) submissions received. In summary three (3) main issues raised were:

**1) *The proposed development is considered to have an unacceptable impact on the public interest.***

*Comment:* The 'public interest' is a specific test at law and can be considered 'something of serious concern to the public at large or a significant section of the public, such as a disadvantaged or marginalised group. For something to be of 'public interest' it must amount to more than a private right or individual interest. Also, it must amount to more than something merely 'of interest to the public'

The proposal complies with all statutory controls in the Palerang Local Environmental Plan, relevant State Environmental Planning Policies and the relevant Development Control Plan.

The proposed development therefore sufficiently demonstrates it is in the public interest despite the issue being raised by one individual submitter. There are no grounds for refusal based on public interest.

**2) *The proposed development is considered to have an unacceptable impact on two buildings considered to have local heritage significance.***

*Comment:* Four (4) submitters raised issues with the consequential demolition of the T-Shaped Sheds and garage that would result from the approval of the proposed subdivision. Despite this Heritage NSW has issued a Section 60 Approval for the demolition of these structures and Council is unable to refuse the application on heritage grounds based on Section 4.48 of the EP&A Act 1979.

The concerns of the four (4) submitters on the impact to the contributory heritage listing is acknowledged however. given the s60 approval and Council's inability to refuse the application on heritage grounds, it is recommended that the application be approved.

BAL Lawyers confirm there is a hierarchy in heritage listings, with items on the State Heritage Register being of broader heritage significance than items listed on the Local register. Further, that the State Heritage Council, in determining whether to issue a heritage approval under s 57, is required to consider impacts on local heritage including *the extent to which that application, if approved, would affect the significance of any item as an item of the environmental heritage*. "Environmental heritage" is defined in the Heritage Act as *those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance*.

### 9.3 Review of Determination REV.2022.1001 - 2 Lot Subdivision with Associated Works - Review of Council's Determination of DA.2021.1240 - Albion Hotel - 119 Wallace Street, Braidwood (Ref: ; Author: Thompson/Yeomans) (Continued)

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Council officers see no conflict with the hierarchy of listing with the State Heritage Register prevailing. Given the State has issued approval for demolition, Council officers recommend Council support this proposal for subdivision including demolition and ancillary works.

Council can seek that the materials be salvaged and repurposed as a condition of consent.

#### 3) Additional proposed building work.

*Comment:* As discussed above an applicant for a review of determination can modify their proposal. The Applicant confirmed all works approved by Heritage NSW are to be considered in this assessment.

#### Conclusion

The submitted proposal for a two lot Torrens title subdivision and demolition of two existing sheds (T shaped sheds), garage and associated works on Lot 1 DP 598830 at 119 Wallace Street, Braidwood is supported by a Statement of Environmental Effects. The proposal was notified to adjoining owner/occupiers and four submissions were received during the notification period.

The proposal has been assessed as Integrated Development under Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of *Palerang Local Environmental Plan 2014* and Braidwood Development Control Plan.

Heritage NSW do not consider the buildings worthy of retention and have issued approvals for their demolition. The proposal complies with the relevant development controls of the Palerang Local Environmental Plan, State Environmental Planning Policies and the Braidwood Development Control Plan. The proposal is not contrary to the public interest.

Given that Council has no authority to refuse this application on heritage grounds the assessment has determined that there are insufficient grounds to refuse the application on any other matter.

The application should therefore be approved, subject to the imposition of the recommended conditions of consent.

#### Attachments

Attachment 1	REV.2022.1001 - Section 4.15 Assessment Matters for Consideration - The Albion - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 2	REV.2022.1001 - Plans - The Albion - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 3	REV.2022.1001 - Redacted Public Submissions - The Albion - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 4	REV.2022.1001 - Draft Conditions of Consent - The Albion - 119 Wallace street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 5	REV.2022.1001 - Heritage NSW Section 60 Approvals - The Albion - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> )
Attachment 6	REV.2022.1001 - Legal Advice - The Albion - 119 Wallace Street, Braidwood ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b>



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.4 Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen)**

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File Reference: PJT0061-22-02

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**Recommendation**

**That Council agree to progress the submitted Scoping Proposal for housekeeping amendments to the *Queanbeyan Local Environmental Plan 2012* in respect of the Googong Urban Release Area.**

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**Summary**

This matter was previously considered by Council at its meeting on 24 August 2022 (Item No. 9.3) and deferred following a Councillor Workshop (Resolution No 329/22). This workshop was held on 31 August 2022 and the report is now resubmitted for Council's further consideration.

The purpose of this report is to provide Council with advice in respect of a Scoping Proposal that has been submitted on behalf of Googong Township Pty Ltd for land at Googong. The Scoping Proposal is for 'housekeeping' amendments to the *Queanbeyan Local Environmental Plan 2012 (QLEP 2012)* for the Googong Urban Release Area.

In summary, the Scoping Proposal seeks to make a number of amendments to the planning controls in place at Googong to:

- amend density controls in respect of land fronting Old Cooma Road and the southern boundary of the urban release area
- ensure the controls are consistent with the on ground situation(s) as well as Council's expectations for future development of the land, and
- update a heritage control applying to the land, noting Council's recent agreement to relocate the Googong Shearing Shed.

Should the Scoping Proposal be supported by Council and, in the event that the *Queanbeyan-Palerang Local Environmental Plan 2022* is notified (gazetted) in the near future, this Scoping Proposal will be amended to amend that plan rather than the *QLEP 2012*.

**Background**

The land at Googong was rezoned for urban purposes in 2009 and since then development has progressed with construction of Neighbourhoods 1A, 1B and the northern part of Neighbourhood 2 which is nearing completion. A development application has also been lodged for subdivision of the remaining Neighbourhoods 3,4 and 5 and the assessment of that application is nearing completion.

Googong Township Pty Ltd has now lodged a Scoping Proposal with the Council seeking to undertake a number of housekeeping amendments to *QLEP 2012*. This Scoping Proposal is shown at Attachment 1.

**9.4 Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen) (Continued)**

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**Report**

The Scoping Proposal seeks the following amendments to *QLEP 2012* (all addressed in Attachment 1):

1. *Change the minimum lot size of land along a 100m strip of the southern boundary of the Googong Township and Old Cooma Road.*

Currently the minimum lot size of land within 100m of Old Cooma Road and the southern boundary of Googong is 600m<sup>2</sup>, compared to a 330m<sup>2</sup> lot size for the remainder of the residential area. The intention of these controls when they were established was to ensure lower residential density at the interface of residential and rural/environmental zones, and, to reduce the perceived visual density of land when travelling along Old Cooma Rd.

It is now proposed to reduce the width of the 600m<sup>2</sup> minimum lot size area along old Cooma Road from 100 metres to between 43 metres and 51 metres. It is also proposed to reduce the width of the minimum lot size area along the southern boundary from 100 metres to between 42 metres and 70 metres. This will mean only the lots immediately adjacent to the southern boundary and Old Cooma Road will be greater than 600m<sup>2</sup>. On balance, the proposed change is supported. Dual occupancy developments can already be undertaken on the 600m<sup>2</sup> minimum lot size land, which in practice means there is little difference (from a density or visual impact perspective) to single dwellings on 330m<sup>2</sup> lots.

A number of lots were lost from the overall urban release area as a result conserving biodiversity habitat in the assessment of Neighbourhoods 3, 4 and 5. The change ensures that the balance of allotments projected for the completion of the township will remain consistent with the original plans and maintains this important source of further housing supply to assist prospective homeowners.

Lots fronting both the southern boundary and Old Cooma Road will still be required to have a minimum lot size of 600m<sup>2</sup>.

2. *Rezone all Council owned reserves at Googong to RE1 Public Recreation.*

Currently all Council owned reserves within the urban area of Googong remain zoned R1 General Residential. Given significant areas of land have now been dedicated to the Council for open space and recreation, it is proposed such land to now be rezoned RE1 Public Recreation to reflect the purpose and status as a Council reserve.

This is supported.

3. *Correct the shape of the RE1 Public Recreation Zone along Montgomery Creek to be consistent with more recent and detailed studies.*

It is proposed to amend the RE1 Public Recreation zone to be consistent with the actual area of the Googong Common. This will be given effect by updating the Googong Common Map. This is a minor change which will not result in any impact on the recreational areas provided at Googong. This proposed change is supported as it will ensure the structure plans are consistent with approved and proposed subdivision plans for the area.

4. *Amend Additional Development Areas on Googong Map.*

The additional development areas at Googong provide for the location of proposed neighbourhood centres. These areas allow for a range of commercial activities and also additional subdivision potential aimed at achieving higher densities around the proposed neighbourhood centres.

More detailed planning has now occurred for the next stages of development at Googong. This has resulted in a request to amend the location of the additional development areas

**9.4 Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen) (Continued)**

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and proposed neighbourhood centres at Googong. This is a relatively minor change and will not result in any significant change to the size of the additional development area or in any new development potential. The existing locations of additional development areas and neighbourhood centre was indicative at the time the plan was approved. Following more detailed planning, their location is now finalised, and the amendment will ensure consistency with proposed subdivision plans. The amendment will not result in any policy change in regard to the neighbourhood centres, it will simply shift the location in a manner that is acceptable to Council.

5. *Minor amendments to the R1/R5 interface near the NH5 Neighbourhood Centre.*

It is proposed that the boundaries between the R1 General Residential land and R5 Large Lot Residential land along the northern and southern/eastern boundaries of Neighbourhood 5, northern and eastern boundaries of Neighbourhoods 1A and 1B be adjusted in accordance with the maps provided in the Scoping Proposal document.

No additional development potential has been created.

These amendments are supported and will result in the corrections to boundaries to ensure consistency with approved and proposed subdivision plans.

6. *Remove Googong Shearing Shed from the Schedule 5 and delete the item for the relevant map.*

Council at its meeting on 13 July 2022 resolved to (Minute No. 274/22):

1. *Agree to the revised design for the relocation and redevelopment of the Googong Shearing Shed.*
2. *Agree to the delisting of the Shearing Shed Complex as a local heritage item under Council's applicable local environmental plan.*

The Scoping Proposal does not require any changes to the written standards or controls of the QLEP 2012, except for the removal of the heritage item I178 from Schedule 5 of the QLEP 2012. The proposed changes are appropriate and are aimed at bringing the QLEP 2012 into alignment with approved and/or current development applications before Council.

**Risk/Policy/Legislation Considerations**

The NSW Department of Planning and Environment (DPE) has recently issued new guidelines in regard to the rezoning process and has prepared Local Environmental Plan Making Guidelines. These Guidelines came into effect on 15 December 2021. The Guidelines advise that new planning proposals should undertake a pre-lodgement assessment, including the preparation of a Scoping Proposal (as well as initial consultation with any relevant State agencies) to understand and resolve agency issues earlier in the process. The Scoping Proposal is required to be progressed consistent with the requirements of the *NSW Environmental Planning & Assessment Act, 1979*.

The steps required under the new guideline are as follows:

1. Report to Council on Scoping Proposal.
2. Council refers Scoping Proposal to relevant State Government Agencies.
3. Pre-lodgement meeting held (Agencies, Proponent and Council Representatives).
4. Report to Council on formal Planning Proposal.
5. Council lodges Planning Proposal.
6. DPE completes initial assessment and issues Gateway determination.
7. Completion of studies (if applicable)
8. Agency consultation
9. Consultation and public exhibition

**9.4 Planning Proposal - Housekeeping Amendments to the Queanbeyan Local Environmental Plan 2012 (Ref: ; Author: Thompson/Jansen) (Continued)**

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10. Review of submission.
11. Report to Council for decision to continue with Planning Proposal or not.
12. Request LEP amendment be made.

Accordingly, this is the first step of progressing the Scoping Proposal and does not commit Council to making any changes. The proposal will be reconsidered after initial consultation of the Scoping Proposal has been undertaken, at which time a further report will be made to the Council for determination (and prior to submitting any formal Planning Proposal to the Department of Planning & Environment).

The Scoping Proposal is otherwise generally consistent with the Googong Master Plan of the *Googong Development Control Plan 2010* and Council's long-term vision for Googong.

**Financial, Budget and Resource Implications**

If approved by Council, the applicants will be required to pay the cost of processing a Planning Proposal in accordance with Council's current fees. The required fee for the 2022-23 financial year is \$7,100 plus \$178 per hour after 40 hours.

Any approved Planning Proposal would require the part-time resources of two town planners in the Land-Use Planning Branch. This will be partly offset by the payment of fees by the applicants.

**Links to QPRC/Regional Strategic Plans**

The Scoping Proposal is considered to be generally consistent with the *Queanbeyan-Palerang Regional Council Local Strategic Planning Statement 2020* and the *Queanbeyan Residential and Economic Strategy 2031*.

**Conclusion**

The Scoping Proposal submitted by the proponents for housekeeping amendments to the *QLEP 2012* is considered to have sufficient strategic merit to proceed to a formal pre-lodgement meeting. A further report will be prepared for the Council after the pre-lodgement meeting.

The changes as proposed will ensure the *QLEP 2012* is consistent with the approved development applications for Googong and Council's long term vision for the urban release area of Googong. The Scoping Proposal will not result in any significant changes to the permissible development yield at Googong.

Accordingly, it is recommended that Council agree to the submitted Scoping Proposal being progressed.

**Attachments**

- |              |   |
|--------------|---|
| Attachment 1 | Googong Housekeeping Scoping Proposal July 2022 ( <i>Under Separate Cover</i> ) |
|--------------|---|



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg)**

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File Reference: PJT0061

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**Recommendation**

**For Council consideration.**

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**Summary**

The purpose of this report is to update Council on the outcome of the recent agency consultation on the planning proposal to review the C4 Environmental Living Zoning (formerly known as E4) and the subsequent options available.

The origins of this Planning Proposal have a long history which predates the Council merger and the currently elected Council. In the preparation of the *Palerang Local Environmental Plan 2014* the NSW government mandated standard zones was a point of contention about the best fit for the original 1(d) Rural Residential Zone that covered most of Bywong and Wamboin. The C4 (formerly E4) Environmental Living zone was determined to be the best fit.

Following community concern regarding the application of the C4 zone, Council resolved to engage an independent consultant to review and then prepare a planning proposal to potentially rezone certain land zoned C4 Environmental Living in Bywong and Wamboin, with a budget of \$100,000.

The review identified that land with predominately low value biodiversity (Class 3) had the potential to be rezoned to R5 Large Lot Residential and the subsequent planning proposal was forwarded to the Department of Planning and Environment (DPE) for a Gateway determination. The Gateway, dated 22 December 2020, required that the LEP amendment be completed within 12 months and specified which state agencies were to be consulted.

Consultation with the state agencies commenced in early 2021 and two of the agencies, raised concerns with the impact on specific native vegetation and potential non-compliance of the proposal with Ministerial Directions. Further detailed survey work was recommended and additional funding to undertake to work was sought. Council resolved to allocate a further \$73,000 to the project and the detailed survey work commenced in November 2021. It should be noted that spring and early summer are the recommended times for undertaking vegetation survey work. As a result of the timing for the survey work, the DPE granted Council a six-month extension to the Gateway.

Council received a draft report in February 2022 and multiple discussions have subsequently been held with the relevant state agency (Department of Planning and Environment - Biodiversity and Conservation Division) to discuss the impact of proposal on high and medium value native vegetation. These discussions have included review of vegetation clearing controls, and a detailed review of the impact of the State Environmental Planning Policies (Exempt and Complying Development Codes). Subsequently advice has been received that subject to the rezoning only applying to land that is wholly Class 3 vegetation, there are no objections to the proposal.

The independent Planning Consultant's Planning Proposal can be amended to address this advice, should Council wish to proceed.

**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg) (Continued)**

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In the meantime, a further extension was requested in June 2022 to allow for completion of the agency discussion, public consultation and finalisation of the proposal. The DPE has now advised that a further Gateway extension is denied.

This means that should Council resolve to progress the proposal, it will need to be assessed against any updates to legislation, guidelines and Ministerial Directions, and then submitted for a new Gateway determination. Alternatively, Council may resolve not to progress the planning proposal in which case no further action is required other than a resolution to that effect.

**Background**

In 2006 the Standard Instrument Order required all NSW councils to translate their LEP's into a Standard Template. At that time the Palerang Council was still a recently created council, formed out of an amalgamation of land from five adjoining councils and was in the process of consolidating the various LEPs into one plan.

In translating LEP's into the Standard Template councils could only use a set suite of zones. The difficulties for councils across NSW was that new suite of zones did not use the same naming convention as the zones that were in use at that time nor did it have a direct translation for a rural residential zone, which was the predominate zone in Bywong and Wamboin at the time the Standard Instrument Order took effect.

In order to ensure a broader consistency of application of the new zones across the regions, councils also had to consider how a zone was used, not just within its local government area but how the zone was being used in adjoining LGA's. To assist councils in the decision-making process, the DPE issued various practice notes and guidelines including a Guideline for Making Local Environmental Plans, Practice Note PN09-002 – Environmental Protection Zones - application of the E4 zone and Practice Note PN 11-002 – Preparing LEPs - Standard Zones. Another key tool in translating existing zones into the standard suite of zones was the zone objectives. As a result of all of the above, when the Palerang standard instrument LEP was gazetted in 2014, land that was previously zoned 1(d) Rural Residential in Bywong and Wamboin became E4 Environmental Living (subsequently renamed to C4 Environmental Living).

In 2017, due to some community concern over the zone translation in the Palerang LEP 2014, Council resolved to engage an independent planning consultant to undertake a review of the application of the C4 Environmental Living zone in Bywong and Wamboin. A list of the Council resolutions made in association with this planning proposal forms Attachment 1 to this report.

That independent review found that there were some areas of land that may be more suited to one of the other zones from the standard suite and considered the zones as recommended in the DPE's practice notes. However, the report identified that the R5 Large Lot zone was the most suitable alternative and Council resolved in October 2017 to progress a planning proposal to rezone land that met the criteria established by the consultant planner to R5 Large Lot Residential.



**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg) (Continued)**

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The criteria used by the planning consultant was based on the three classes of biodiversity values of the land as mapped by the consultant ecologist (Biosis). These three classifications of biodiversity values are:

- Class 1 high value biodiversity land (Threatened Ecological Communities, high condition threatened species habitats, non-threatened native vegetation in high condition and high value biodiversity corridors.)
- Class 2 moderate value biodiversity land (Lower condition native vegetation and threatened species habitat, moderate value biodiversity corridors.)
- Class 3 low value biodiversity land (Non-threatened derived native grasslands, exotic / non-indigenous vegetation and cropped or otherwise disturbed areas, low value biodiversity corridors.)

The consultant recommended lots that have more than 51% Class 3 (low value biodiversity) with the remainder Class 2 (moderate biodiversity values) had the potential to be rezoned to R5. In addition, the consultant recommended that lots that have more than 66% of site as Class 3 (low biodiversity values) with the remainder Class 1 (high value biodiversity) have the potential to be rezoned to R5 Large Lot Residential. The proposal was further refined to reflect the Council resolution to minimise zoning fragmentation by applying a minimum area (30 hectares) of land to be rezoned. That is, areas of land that met the above biodiversity values criteria, that were less than 30 hectares were excluded from the planning proposal.

In February 2020, Council resolved to endorse the draft planning proposal and to include '*extensive agriculture*' as a use permitted without consent for those lots to be rezoned to R5 in Bywong and Wamboin only. The proposal was forwarded to the DPE and a Gateway determination was issued in December 2020. The Gateway required that the LEP amendment be completed within 12 months and specified which state agencies were to be consulted.

**Report**

This report considers the outcome of the state agency consultation, recommends actions to address comments and the options available now for the planning proposal. In accordance with the Gateway determination, the planning proposal was forwarded in early 2021 to the relevant agencies for comment including:

- Department of Planning and Environment – Biodiversity and Conservation Division (BCD)
- NSW Office of Water
- NSW Department of Primary Industries
- Transport for NSW
- NSW Rural Fire Service
- ACT Government

Generally, the agencies, other than BCD and the ACT Government, raised no objections to the proposal. The submissions and a review of the submissions table forms Attachment 2 and 3 to this report. The two agencies that raised concerns recommended that further investigations of the biodiversity values of the land proposed to be rezoned be conducted prior to progressing the planning proposal.

**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg) (Continued)**

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Council subsequently engaged Biosis to undertake that detailed survey work in consultation with BCD to ensure the proposed methodology would be suitable and appropriate. It should be noted that the recommended timeframe for undertaking vegetation survey work is in spring and early summer, generally after the spring rains. Biosis completed the detailed survey work between November 2021 and February 2022 after an exceptionally wet period which delayed some of the earlier survey work. The final report prepared by Biosis forms Attachment 4 to this report.

In the meantime, Council staff requested a Gateway extension from the Department and an extension of 6 months was issued in November 2021 with the condition that “the new time frame for completing the LEP is to be 18 months from the date of the Gateway determination expiring on 22 June 2022”.

On receipt of the draft Biosis report in April 2022 (delayed as a result of the impact of Covid-19), Council recommenced agency consultation. The main state agency concern was that the proposal, as issued for a Gateway determination, would allow for areas (albeit potentially only small portions on some individual lots) of high and medium value biodiversity land to be rezoned. As the planning proposal area is quite large the agency considered that the cumulative effect of rezoning would impact a significant amount of native vegetation in the region. If the planning proposal were to be progressed in its current form, the cumulative impact results in approximately 22 hectares of Threatened Ecological Communities, 59 hectares of native vegetation – high condition and 10 hectares of Derived native grassland-high condition, across the area being rezoned.

The key issue for BCD; in particular, is the protection of this native vegetation, as required by the Ministerial Direction. Discussions with BCD included detailed review of the potential impact of State Environmental Planning Policy (Exempt and Complying Development Codes), a review of the types of land uses permissible in each of the zones, and the vegetation clearing controls within the Palerang Development Control Plan (DCP). These matters are discussed in greater detail in the policy section below.

As a result of these discussions and concerns, a zoning map has been prepared based on land that Biosis identified as being 100% Class 3 (low value biodiversity) land and using the criteria determined by the independent consultant for reducing isolation and fragmentation of zones in the planning proposal being areas of land over 30 hectares. Attachment 5 is the proposed rezoning map.

**Risk/Policy/Legislation Considerations**

The planning proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment Guidelines for Preparing Local Environmental Plans.

Planning proposals must also be reviewed against the State Environmental Planning Policies (SEPP's) and Ministerial Directions and any inconsistencies are to be justified. The issues raised by Biodiversity and Conservation indicate a potential conflict with the Ministerial Direction 3.1 Conservation zones which requires that “A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land).” The discussions with BCD revolved around the levels of protection provided.

### 9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg) (Continued)

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Since the Gateway was issued the guidelines have been updated, therefore if the planning proposal is progressed the planning proposal will need to be updated to comply with these latest guidelines along with any changes to the SEPP's and Ministerial Directions.

The independent planning review of the application of the C4 zone considered the impact of rezoning on existing land uses and noted that '*extensive agriculture*' is permitted without consent in the E4 zone, but does require consent in the R5 zone. There are some other differences in the permissible land use table between C4 and R5 zones for example '*restaurants or cafés*' are permitted with consent in the C4 zone but not in the R5 zone. Attachment 6 compares the land uses permissible with consent in the current C4 (E4) zone with those in the R5 Large Lot Residential zone.

As development is also subject to the State Environmental Planning Policies (SEPP's) a comparison of the impact the SEPP (Exempt and Complying Development Codes) on development in the C4 and the R5 forms Attachment 7 to this report.

#### **Financial, Budget and Resource Implications**

Council previously resolved to allocate \$100,000 to engage an independent planning consultant and ecologist to undertake a review of the application of the C4 zone with an option to then prepare a planning proposal to rezone certain land in Bywong and Wamboin. As a result of the independent review, Council resolved to instruct the consultant to prepare a planning proposal, which was subsequently forwarded to the DPE for a Gateway determination. The gateway required consultation with a number of agencies and as a result of that consultation further studies were required. Council subsequently resolved to allocate a further \$73,000 to conduct the detailed survey investigation as recommended by the consultant ecologist in their initial report and as required by the Department of Planning and Environment – Biodiversity and Conservation.

If progressed, the planning proposal will need to be amended in accordance with the state agency feedback and resubmitted for a new Gateway determination. Attachment 8 includes the relevant Gateway determinations. As an indication of the financial impact of progressing the proposal, Council's 2022/23 Operational Fees and Charges indicates that for a similar type of Planning Proposal, an external proponent would be charged - \$1,755 plus \$178 per hour after 10 hours for the initial review then \$24,859 plus \$178 per hour after 140 hours for the Planning Proposal process.

The proposal will utilise part of the time of one full-time Planner for approximately one additional year to 18 months with additional assistance required from a Planner and or Administration staff prior to and during public exhibition.

#### **Links to QPRC/Regional Strategic Plans**

If progressed, the proposal will amend the *Palerang Local Environmental Plan 2014* or the *Queanbeyan-Palerang Local Environmental Plan 2022* if that LEP has been made at the time this proposal is ready to be notified.

**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg) (Continued)**

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**Conclusion**

In 2018 Council resolved to engage an independent planning consultant to review the application of the C4 zone in Bywong and Wamboin with a budget of \$100,000. The review supported land with predominately low value biodiversity being rezoned and recommended that the R5 Large Lot Residential zone as the most suitable zone to apply.

A Planning Proposal was then prepared and forwarded to the DPE for a Gateway determination. The Gateway was issued in December 2020 and required that the proposal be completed within 12 months. The Gateway also advised which agencies were to be consulted.

The state agency consultation commenced in early 2021, with four agencies advising that generally there were no objections to the proposal. Two agencies, the ACT Government and the DPE – Biodiversity and Conservation recommended that detailed survey work be conducted over land proposed to be rezoned to ensure that land with biodiversity value not be included in the rezoning. Biosis was engaged to undertake the additional survey work and as recommended undertook the surveys during spring and early summer 2021/2022.

Noting the timing of the survey an extension to the Gateway was requested and approved to 22 June 2022. A further request for another Gateway extension has been denied.

Following receipt of a draft report from Biosis, agency consultation recommenced, and concerns were raised by BCD regarding the cumulative impact on native vegetation that the rezoning could have. Multiple discussions have been held to consider vegetation clearing controls, the types of permissible development permissible and the impact of the State Environmental Planning Policies.

The methodology and report from Biosis has been accepted by BCD. In addressing the comments to limit the extent of the proposed R5 Large Lot Residential zone to only land within Class 3 (low value biodiversity), the following amendments to the planning proposal are recommended:

- include only lots that are 100% Class 3 (low value biodiversity) and
- excluding areas less than 30 hectares from the proposal as per the independent planning consultant's criteria prepared in response to a Council resolution to minimise fragmentation and isolation of zones to reduce fragmentation and isolation of zones.

Subsequently a draft rezoning map has been prepared that includes only those lots that Biosis identified as being 100% Class 3 (low value biodiversity) and areas less than 30 hectares have been excluded to reduce fragmentation and isolation of zones.

This work completes the agency consultation phase of the current Planning Proposal and Council now has the following options:

***Next Steps***

The planning proposal is now at a stage where the decision needs to be made about whether it should proceed.

***Option 1 – Proceed with the Planning Proposal***

This option will require the continuing allocation of staff and financial resources on the project. As the DPE advised Council on the 29 July 2022 that Council's request for a further extension to the Gateway has been denied, it will require the recommencement of the DPE's Planning Proposal process and the risk that there could be additional work and studies required to meet the updated guidelines for planning proposals and applicable ministerial directions.

**9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg) (Continued)**

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There may be some dispensation for agency consultation, however that will be up to the DPE's discretion where they issue a new Gateway determination for the Planning Proposal.

The steps involved are:

- amending the Planning Proposal,
- requesting Gateway Determination from the DPE
- completing agency consultation if required
- commencing public consultation
- reviewing submissions and amending planning proposal if required
- determining whether to progress the planning proposal
- request the DPE to amend the LEP as per the Planning Proposal
- Plan is amended.

This option will require Council to resolve the following to progress and deal with amendments to the Planning Proposal to address agency comments and the requirement for a new gateway determination as the DPE have not extended the current one.

*That Council:*

1. *Address concerns raised by the Department of Planning and Environment – Biodiversity and Conservation and the ACT Government by amending the planning proposal prepared by the independent planning consultant in the following way:*
  - a. *Including only allotments of land that is are identified in the 2022 Biosis report as being 100% Class 3 (low value biodiversity) vegetation, as proposed R5 Large Lot Residential; and*
  - b. *Minimising fragmentation of land use zones by excluding areas less than 30 hectares.*
2. *Progress the Planning Proposal PP-2021-860 as amended in item 1, to rezone certain land zoned C4 Environmental Living to R5 Large lot Residential*
3. *Note the advice from the Department of Planning and Environment that a further extension to the Gateway is denied.*
4. *Submit the amended planning proposal to the Department of Planning and Environment for a new Gateway Determination.*

A supplementary vote of at least \$50,000 would be required to resubmit and progress the amended Planning Proposal in the 21/22 Operational Plan.

***Option 2 – Do Not Proceed with the Planning Proposal***

Council also has the option at this stage of not progressing the proposal. This will mean that the current C4 Environmental Living zone will remain.

In considering this option and as way to explore ways of allowing for the complying development covered in the Inland Code in the C4 zone Council may wish to re-visit the merits of the previous discontinued planning proposal to review the range of exempt and complying development allowed in the C4 Environmental Living zone. This would require an investigation of the previous proposal and also the implications for the C4 zone as it applies in the rest of the QRPC area. Note that the concerns from Biodiversity and Conservation about protecting land other than the class 3 vegetation will remain.

## 9.5 Planning Proposal - Rezoning of Some Lands Within Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential (Author: Thompson/Hogg) (Continued)

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This option would require Council to resolve as follows:










*That Council:*

1. *Not proceed with the Planning Proposal PP-2021-860 to rezone certain land at Bywong and Wamboin from C4 Environmental Living to R5 Large Lot Residential.*

Councillors may also wish to add the following action.

2. *Re-visit the merits of the previous discontinued Planning Proposal to review the range of exempt and complying development allowed in the C4 Environmental Living zone.*

### **Attachments**

Attachment 1 	Attachment 1 - Council Resolutions - C4 Planning Proposal ( <i>Under Separate Cover</i> )
Attachment 2 	Attachment 2 - Summary and Assessment of Submissions - Public Authorities Consultation ( <i>Under Separate Cover</i> )
Attachment 3 	Attachment 3 - Combined Agency Submissions ( <i>Under Separate Cover</i> )
Attachment 4 	Attachment 4 - Final Biosis Report ( <i>Under Separate Cover</i> )
Attachment 5 	Attachment 5 - Proposed Rezoning Map ( <i>Under Separate Cover</i> )
Attachment 6 	Attachment 6 - C4 and R5 Land use Matrix and LEP land use tables ( <i>Under Separate Cover</i> )
Attachment 7 	Attachment 7 - SEPP (Exempt and Complying Development Codes) Comparison R5 & C4 ( <i>Under Separate Cover</i> )
Attachment 8 	Attachment 8 - Combined Gateway Determinations ( <i>Under Separate Cover</i> )
Attachment 9 	Attachment 9 - Planning Proposal - Agency Consultation ( <i>Under Separate Cover</i> )



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.6 Results of Community Consultation - Blind Creek Solar Farm - Draft Planning Agreement (Ref: ; Author: Thompson/Carswell)**

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File Reference: 21.4.3-08

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**Recommendation**

**That Council:**

- 1. Receive and note the matters raised as well as the responses and recommendations received as a result of the recent exhibition of the Blind Creek Solar Farm Planning Agreement.**
  - 2. Authorise the Mayor and CEO to execute the Blind Creek Solar Farm Planning Agreement.**
- 

**Summary**

This report follows the exhibition of the Blind Creek Solar Farm – Draft Planning Agreement between 28 July and 25 August 2022. In total six submissions were received (Attachment 2)

**Background**

At its meeting of 27 July 2022 Council considered a report on the draft Planning Agreement and as a result resolved (Minute No. 299/22):

- 1. Agree to accept the letter of offer.*
- 2. Place on public exhibition the draft Blind Creek Solar Farm Planning Agreement for a minimum period of 28 days.*
- 3. Report back to Council following the exhibition period for a determination on whether to execute the draft planning agreement.*

This report is in response to the above resolution.

**Report**

The Blind Creek Solar Farm is located at 114 Currandooley Road, Bungendore (Attachment 1) with this location being in the vicinity of the Canberra Sand and Gravel quarry and the neighbouring Capital Wind Farm.

The project is a 350MW solar energy farm with an estimated construction cost of \$350M.

Council has recently submitted comments on the Environmental Impact Statement for this project.

It is currently the subject of a State Significant Development Application (SSD-13166280) and has been on exhibition between 7 June to 7 July 2022. Council has recently submitted comments on the Environmental Impact Statement for this project.

This solar farm is expected to operate for around 30 years and at the end of this time it could be decommissioned, and the land returned to its original condition or repurposed.

The draft Planning Agreement is conditional upon the Department of Planning and Environment approving the State Significant Development Application for the Blind Creek Solar and contributions being dependant on the capacity of the solar farm approved.

**9.6 Results of Community Consultation - Blind Creek Solar Farm - Draft Planning Agreement (Ref: ; Author: Thompson/Carswell) (Continued)**

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Endorsement of the Planning Agreement simply ensures that should the application be approved by the Department of Planning and Environment, that Council has in place a mechanism to collect the appropriate contributions from the development.

The draft Planning Agreement was advertised for comment between 28 July and 25 August 2020. As a result, there were six contributors to "Your Voice" with the issues/matters being raised including:

- Support for the Planning Agreement.
- Opposition to the Planning Agreement as well as to the project.
- Visual impacts of the project, the need to screen through landscaping and proximity to current and future residential areas.
- Impact of heavy vehicles and road maintenance.
- Engagement of the law firm preparing the Planning Agreement.
- Address of the project.
- Better energy alternatives.
- Value of contributions versus value of contribution from other uses of the land.

These are addressed in Attachment 2. None of the issue raised warrant changes to the Planning Agreement.

**Risk/Policy/Legislation Considerations**

The major areas of risk from a Council perspective are:

1. The State Significant Development Application is not approved. In this case no contributions will be received and the time spent by staff on negotiating the draft Planning Agreement will have not yielded a return.
2. The State Significant Development Application is approved but with a lesser capacity with the result that the contribution payable at the construction phase is reduced.

A third area of risk relates to the local infrastructure reforms of the Government undertaken during 2021 and the outcomes of which, are still outstanding. This was referred to in the 27 July 2022 report which noted the potential for contributions to be limited as follows:

*In previous times a charge under Council's s94A contributions plan could have applied. However, as part of the current infrastructure contribution reforms, there is a proposal to limit contributions for these type of developments to a maximum of \$450,000. Council, along with other councils in the region objected to this through the Canberra Joint Organisation. However, at the time of writing the result of this objection is unknown. Therefore, it is recommended that Council endorse the draft Planning Agreement which nominates an agreed amount to be provided that was negotiated between Council and the Developer.*

**Financial, Budget and Resource Implications**

Depending on the capacity of the solar farm (if approved), the draft Planning Agreement will result in a total contribution of about \$1,235,000 over 20 years. This will consist of an initial contribution of \$250,000 and an additional annuity over 20 years of \$49,250 per annum adjusted by Producer Price Index No.3020. Costs also include administrative and legal costs. At the stage of reporting the other party have reimbursed Council's legal costs of \$6,663. Administrative costs (\$733) have been covered by Council.

**9.6 Results of Community Consultation - Blind Creek Solar Farm - Draft Planning Agreement (Ref: ; Author: Thompson/Carswell) (Continued)**

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**Links to QPRC/Regional Strategic Plans**

Taking this draft Planning Agreement forward is consistent with Strategic Objective 3.1 of Character of the Community Strategic Plan 2042;

*We acknowledge climate change and we work towards several reducing our region's carbon footprint*



It is also consistent with Direction 17 mitigate and adapt to climate change of the South East and Tablelands Regional Plan 2036 as well as Strategy 8.1 of the draft South East and Tablelands Regional Plan 2041 which includes:

- encourage initiatives that reduce emissions.
- promote opportunities for clean energy generation in the region....

**Conclusion**

At its meeting of 28 July 2021 Council agreed to proceed with a Planning Agreement for this project subject to conditions. Staff have proceeded on this basis with recent action being the exhibition of the draft Planning Agreement. Six submissions were received raising a number of issues and these have been reviewed and responded to. All things considered it is recommended that Council authorise the Mayor and General Manager to execute the Blind Creek Solar Farm Planning Agreement.

**Attachments**

Attachment 1	Location of Proposed Blind Creek Solar Farm1 ( <i>Under Separate Cover</i> )
 Attachment 2	Overview of Submissions - Blind Creek Solar Farm - Draft Planning Agreement ( <i>Under Separate Cover</i> )
 Attachment 3	Draft Planning Agreement - Blind Creek Solar Farm ( <i>Under Separate Cover</i> )

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.7 Locality Boundary Re-alignment - Northangera-Braidwood (Ref: ; Author: Thompson/Lamont)**

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**File Reference:** 26.4.1-1 Localities

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**Recommendation**

**That Council:**

- 1. Endorse the proposed realignment of the Braidwood/Northangera Locality boundary to the east of existing line as per the map in Attachment 2.**
  - 2. Progress the change with the Geographical Names Board to be gazetted.**
- 

**Summary**

Council received a request, from residents of Narranghi Road, Northangera seeking to have the locality boundary between Braidwood and Northangera moved east of its existing alignment. The existing boundary splits Narranghi Road in half, with the western side being the locality of Braidwood and the eastern side being within the locality of Northangera.

The Narranghi Road residents' reasons for putting forward the request for the locality boundary change are for ease of navigation for emergency services, postal deliveries and telecommunication services.

This report considers the locality boundary amendment proposal and recommends endorsement for submission to the Geographic Names Board (GNB) for assessment and approval.

**Report**

The residents of Narranghi Road, Northangera are seeking to have the locality boundary between Braidwood and Northangera moved east of its existing alignment (see Attachment 1).

As stated in the request from Narranghi Road residents some of the issues they have faced are:

- Emergency Services unable to navigate to properties;
- Inequitable provision of telecommunications services;
- Inequitable provisions of grocery deliveries; and
- GPS mapping misdirections;

The GNB policy 6.8.4.d states that an address locality cannot be an island within another locality. All address localities should have boundaries that run alongside two or more other localities, the seashore or state boundary. With this in mind, staff had to extend the residents proposed boundary re-alignment to properties on the southern side of the Kings Highway including Blue Bell Road and Tudor Valley Road). As a result 15 properties will be affected by the change (see map in Attachment 2).

**9.7 Locality Boundary Re-alignment - Northangera-Braidwood (Ref: ; Author: Thompson/Lamont) (Continued)**

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**Risk/Policy/Legislation Considerations**

Under the provisions of the *Geographical Names Act 1966*, the GNB is responsible for address locality names and boundary determination.

Under Section 2 and Section 5 of the Act, the GNB have responsibility for assigning names to address localities, determining their extent, and publishing their details on the Gazetteer of Place Names. Council is required to submit any locality amendment proposal to the GNB for assessment and approval.

Section 7.1.3 of the NSW Address Policy and User Manual outlines the consultation requirements for boundary adjustment proposals.

It states that '*Where a boundary amendment proposal will affect between 10 to 20 parcels or owner/occupiers, the GNB Secretariat can seek permission from the GNB to alter the boundaries without advertising*'.

There are 15 properties affected by this proposed boundary amendment and all have been notified by Council in writing requesting a response. Attachment 3 shows supportive responses from 14 of the 15 properties notified. Please note submissions have been included as a confidential attachment given that they contain personal information which is relevant for Councillors to be aware of when making their determination.

All affected residents were notified of the proposal and given 21 days to lodge a submission.

**Financial, Budget and Resource Implications**

Council is not responsible for any costs associated with the boundary amendment. Section 8 of the *Geographic Names Act 1966* states that 'Whenever the board proposes to assign a geographical name to any place or to alter a recorded name or a geographical name it shall cause to be published in the Gazette and in a newspaper circulating in the neighbourhood of such place a notice of the proposal specifying the proposed name or alteration.' The GNB is responsible for placing these advertisements and gazette notices.

Costs associated with personal address will be borne by the residents affected.



**Conclusion**

Council is required to submit any locality amendment proposal to the GNB for assessment and approval.

The proposed boundary amendment will ensure the residents certainty and ease of navigation for emergency and other service deliveries.

It is recommended that the proposal to amend the locality boundary between Northangera and Braidwood be supported by Council and for it to be submitted to the GNB for assessment and approval.

**Attachments**

- |  |   |
|--|---|
| Attachment 1   | Resident's Request ( <i>Under Separate Cover</i> )                |
|  Attachment 2 | Map ( <i>Under Separate Cover</i> )                               |
|  Attachment 3 | Submissions ( <i>Under Separate Cover</i> ) - <b>CONFIDENTIAL</b> |

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.8 Bungendore Men's Shed and Rotary Access to Sports Hub Land (Ref: ; Author: Thompson/Geyer)**

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File Reference: PJ100984

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**Recommendation**

That:

1. Council agree in principle to the proposal to establish a base for the Bungendore Men's Shed and Bungendore Rotary at the Bungendore Sports Hub of approximately 5,000m<sup>2</sup>.
  2. Council begin negotiations between the parties to prepare a draft lease agreement setting out the value of the lease and the responsibilities of each party.
  3. Upon preparation of the draft lease agreement the matter be returned to Council for consideration.
- 

**Summary**

Bungendore Men's Shed and Rotary have for many years been co-located on Railway Land at Bungendore. The recent discovery of lead contamination resulted in both organisations needing to vacate the facility. Transport for NSW (TfNSW) has requested the organisation find an alternate location for their base.

**Background**

Currently the Men's Shed have their equipment in a large rail goods shed at Bungendore. The group also have a shed kit, which they had planned to erect at the railway site. Rotary have equipment stored in shipping containers at the same location. Both organisations have been seeking alternate sites and approached staff to assess the feasibility of using some of Council's sites. Their initial request was to utilise land at the impound site and community garden at 2-18 Turallo Terrace however, the constraints at this site (mainly flooding) made it prohibitive.

**Report**

Initial investigation into the possible relocation to the Bungendore Sports Hub, 15 Halfway Creek Road, was also explored and an area of approximately 5,000m<sup>2</sup> has been identified as suitable (see Figures 1 and 2 below). Both organisations have inspected the site and have formally requested Council's in principle approval to further investigate access the land.

The site is currently zoned RU1 - Primary Production under Palerang Local Environmental Plan 2014, however, it is expected this will change to RE1 Public Recreation under future LEP updates.

The proposal is to construct activities sheds, storage and a community meeting room within land at the northern end of the sports hub. The land was originally set aside for the new aquatic centre, however after community engagement, the pool was relocated to a central part of the sports hub leaving this portion of the site vacant. The proposed Men's Shed/Rotary facility will share the carpark with the netball courts and have access to sewer and water from sports facility. The project will still need to bring three phase power across to service the sheds. Access will be via the sports hub main entrance.



# 9.8 Bungendore Men's Shed and Rotary Access to Sports Hub Land (Ref: ; Author: Thompson/Geyer) (Continued)



**Figure 1 – Potential Location of Men's Shed**



**Figure 2 – Enlarged View of Proposed Area Adjacent to Halfway Creek Road**

**9.8 Bungendore Men's Shed and Rotary Access to Sports Hub Land (Ref: ; Author: Thompson/Geyer) (Continued)**

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**Risk/Policy/Legislation Considerations**

The proposal will require planning approval and any access agreement would be subject to the DA Consent. Increasing public use of the sports hub will have a positive impact on the site through passive surveillance and ownership by the community.

**Financial, Budget and Resource Implications**

The project would need to be fully funded by the Men's Shed and Rotary through grants and other sources. It is not proposed this project be funded by Council.

In order to facilitate the relocation, it will be necessary for Men's Shed and Rotary to enter into a lease or licence agreement with Council. The final form of this agreement is yet to be finalised however, with Council's in principle support to begin negotiations, the following pertinent matters (among others) will need to be determined and brought back to Council for consideration:

- Period of any lease or licence agreement
- Value of any lease or licence agreement
- Area of land to be set aside
- Access to the land
- Responsibilities for funding the approval and construction of buildings and fencing including the connection of utility services
- Responsibilities for seeking approval and construction of buildings and fencing
- Ownership of assets and improvements to the site following expiration of the lease or licence agreement

**Conclusion**

The Men's Shed and Bungendore Rotary are both well-established community-based organisations with a history of supporting the local community and their projects in Bungendore. Providing these organisations with a long-term base, on a community facility will keep this activity alive. There are direct synergies between these community organisations and the purpose of a community sporting hub.

**Attachments**

Nil

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.9 Cities Power Partnership - Adoption of Pledges (Ref: ; Author: Abbott/Pensini)**

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File Reference: 25.4.1-02

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**Recommendation**

**That Council:**

- 1. Pledge to prioritise and achieve the following 5 key sustainability actions:**
    - **Support local community energy projects and encourage investment in community energy.**
    - **Provide incentives for energy efficient developments and upgrades to existing buildings.**
    - **Install renewable energy (solar and battery storage) on Council buildings.**
    - **Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.**
    - **Support community facilities to access renewable energy through incentives, support or grants.**
  - 2. Write to the Cities Power Partnership acknowledging nomination of the above 5 key actions.**
- 

**Summary**

The Cities Power Partnership (CPP) is the Climate Council's free national program for local government. The CPP program focuses on supporting and celebrating the emissions reduction successes of local councils across the country. Local councils who join the partnership must pledge to achieve 5 key sustainability actions within 6 months of joining the partnership.

Pledging to achieve the 5 key actions will aid in Council reducing its greenhouse gas emissions, enhancing our reputation, deliver cost savings, establish resilience, and create a greater pride in Council amongst the community.

**Background**

The Climate Council provides independent, authoritative science-based information on climate change to the Australian public. In July 2017, the Climate Council launched the CPP program to promote and accelerate action on emissions reduction at the local government level. CPP now represent 145 member councils representing over 60 per cent of Australia's population.

The CPP is a program of mentoring, leadership and action which engages and encourages councils to increase renewable energy, improve energy efficiency, decrease emissions from transport, and engage in advocacy. Local government is widely recognised as the key level of government for acting on climate change.

The Climate Council uses its national status and the credibility of its Climate Councillors to connect Councils across the country with community energy groups and local organisations who can help councils to implement energy efficiency and renewable energy measures quickly

**9.9 Cities Power Partnership - Adoption of Pledges (Ref: ; Author: Abbott/Pensini)  
(Continued)**

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and effectively, as well as assist with accessing funding and incentives for councils to act. More specifically, the CPP offers:

- Access to the CPP knowledge hub and webinars.
- A buddying system with two other councils to learn and share information.
- Access to potential grant funding streams and associated application assistance.
- Potential visits from climate council experts.
- Media opportunities through the Climate Council's social media and website.

**Report**

Local councils who join the partnership must pledge to achieve 5 key actions, listed in Attachment 1, across renewable energy, energy efficiency, sustainable transport and working together within 6 months of joining the program. At the Ordinary Meeting of Council on 9 March 2022, Council received a report on the CPP and resolved (113/22) to:

- Join the Cities Power Partnership.
- Use its participation in the Partnership to build on the QPRC Council and community climate action plans.
- Seek community input on the five actions Council commits to as part of the partnership program.

Following these decisions Council successfully applied for and received membership into CPP on the 1 April 2022. A certificate of membership can be found within Attachment 2. Council then sought community consultation into the 5 key pledges through a 'Your Voice' survey that was exhibited on Council's webpage for a period of 33 days, from 5 May 2022 to 5 June 2022. Community members had an opportunity to rank their top 5 key actions that they would like to see Council pledge to prioritise from a shortened list of 28 actions that are feasible align with the QPRC Climate Change Action Plans, highlighted in Attachment 1.

Council received 11 submissions from the survey. The top 5 ranked actions from community consultation are illustrated below, ranked from highest to lowest priority.

1. Support local community energy projects and encourage investment in community energy.
2. Provide incentives for energy efficient development and upgrades to existing buildings
3. Install renewable energy (solar PV and battery storage) on council buildings
4. Encourage sustainable transport use such as public transport, walking and cycling through council transport planning and design.
5. Support local community energy groups with community energy initiatives.

As action 5 is remarkably similar to action 1 it is recommended that Council replace this with the 6<sup>th</sup> ranked action from community consultation, that being 'support community facilities to access renewable energy through incentives, support or grants'. A summary of feedback from community consultation can be found in Attachment 3.

Following adoption and nomination of the pledges Council will work with the CPP to establish KPIs and actionable targets for the 5 pledged actions.

**9.9 Cities Power Partnership - Adoption of Pledges (Ref: ; Author: Abbott/Pensini)  
(Continued)**

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**Risk/Policy/Legislation Considerations**

Adopting the 5 pledges would align with several Council policies including the QPRC Sustainable Design of Council Buildings Policy and QPRC Operational Sustainability Policy.

**Financial, Budget and Resource Implications**

The Natural Landscapes and Health budget has very limited allocated expenditure for any sustainability projects within Council aside from a very limited budget for operational renewable energy and energy efficiency projects. The financial cost of the community renewable energy, energy efficiency and sustainable transport pledges will need to be considered. Further funding by Council or grant funding with the help of CPP are all tabled as options. It is noted that several Council buildings and facilities already have solar installed.

**Links to QPRC/Regional Strategic Plans**

Pledging to achieve the 5 key actions aligns closely with objectives and actions identified within the QPRC Climate Change Action Plans and QPRC Community Strategic Plan, in particularly strategy objective 3.1. 'We acknowledge climate change and we work towards reducing our regions carbon footprint'. Furthermore, this may present an opportunity for Council to save time and costs in implementing projects set out under the QPRC Climate Change Action Plans.

**Conclusion**

The Cities Power Partnership provides an opportunity for Council to take strong climate change action while actively engaging with the community and other councils throughout the nation. Pledging to achieve the 5 key actions will also aid in Council reducing its greenhouse gas emissions, enhancing our reputation, deliver cost savings, establish resilience, and create a greater pride in Council amongst the community.

**Attachments**

- |  |   |
|--|---|
| Attachment 1   | The Cities Power Partnership Action Pledge List - Shortened ( <i>Under Separate Cover</i> )       |
|  Attachment 2 | Certificate of membership - Cities Power Partnership ( <i>Under Separate Cover</i> )              |
|  Attachment 3 | Community Consultation Report- Cities Power Partnership - Pledges ( <i>Under Separate Cover</i> ) |

File Reference: 36.1

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### **Recommendation**

#### **That Council:**

- 1. Place the Draft Queanbeyan CBD Wayfinding Strategy on public exhibition for 28 days.**
  - 2. Following the exhibition period, a further report be prepared for Council to consider the matters raised in submissions.**
  - 3. If no submissions are received, the Draft Queanbeyan CBD Wayfinding Strategy be adopted.**
- 

### **Summary**

A draft Queanbeyan CBD Wayfinding Strategy is presented for Council's consideration to be placed on public exhibition prior to adoption. It provides a consistent approach for wayfinding in the Queanbeyan CBD.

### **Background**

Council's Directional Signage Policy is silent on the details of wayfinding within the public realm. During consultation for the Monaro Street Upgrade it was identified that a consistent approach to wayfinding in the Queanbeyan CBD would be beneficial as part of current and future projects associated with the Queanbeyan CBD Spatial Masterplan.

### **Report**

As part of the planning for the Monaro Street Upgrade it was identified that Council did not have a consistent approach to wayfinding in the CBD. With major projects such as the Queanbeyan Civic and Cultural Precinct, the Monaro Street Upgrade, and other initiatives identified in the CBD Spatial Masterplan the need for a consistent approach was supported.

The Queanbeyan CBD Wayfinding Strategy has been prepared to provide this consistent approach for wayfinding signage.

The strategy provides a clear, consistent and visually appealing suite of signage to improve pedestrian connectivity and navigation throughout the CBD.

The strategy recognises Council's commitment to acknowledging the First Nations peoples on this land and includes the use of accurate cultural place names where appropriate.

**9.10 Queanbeyan CBD Wayfinding Strategy (Ref: ; Author: Hansen/Long) (Continued)**

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**Risk/Policy/Legislation Considerations**

The draft Queanbeyan CBD Wayfinding Strategy is separate, but complementary, to Council's Directional Signage Policy which was on public exhibition until 8 September 2022.

The design and location of signage recommended in the draft Queanbeyan CBD Wayfinding Strategy is consistent with requirements of the Disability and Discrimination Act 1992.

**Financial, Budget and Resource Implications**

Adoption of the Queanbeyan CBD Wayfinding Strategy does not require a separate commitment of funds to implement its recommendations. It provides a basis for the implementation of signage in the CBD to be included in the budgets of future projects

**Links to QPRC/Regional Strategic Plans**

The Monaro Street Upgrade is a major capital project identified in Council's Operational Plan under Strategic Pillar 2 as part of Delivery Program 2.4 under the Community Strategic Plan 2.1 and 4.1.

**Conclusion**

The Queanbeyan CBD Wayfinding Strategy is presented for Council's endorsement to be placed on public exhibition for 28 days.

**Attachments**

Attachment 1      Queanbeyan CBD Wayfinding Strategy (*Under Separate Cover*)





## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.11 German Auto Day - Sunday 25 August 2022 Traffic Report Approval (Ref: ; Author: Richards/Wightman)

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File Reference: 1.4.1

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**Recommendation**

**That Council approve the conduct of the German Auto Day car show to be held on Sunday 25 September from 10am to 3pm in Queanbeyan Park.**

---

**Summary**

The German Auto Day car show has been held at Queanbeyan Park by the Mercedes Benz Club Canberra for the past two years. Due to staff error, the required event information was not provided to the Local Traffic Committee meeting held in August 2022. Since the Local Traffic Committee only meets every second month, there is no opportunity for approval through this committee. Event details and associated arrangements for traffic and other support are in line with other events of this nature and have not changed substantially since their last successful event in 2020. From time to time, Council is asked to provide approval for an event to progress.

**Background**

The German Auto Day car show event is to be held at Queanbeyan Park from 10am to 3pm on Sunday 25 September 2022. The show is hosted by the ACT Mercedes Benz club and will include 250 display cars. Expected attendance throughout the day will be 1000 people.

Display cars will be transported to the park between 6.30am and 8.30am on the morning of the event.

**Report**

All of the required reports for this event have been prepared and checked, however there is insufficient time for it to be reviewed by QPRC's Local Traffic Committee. The event is not new and therefore event and traffic management and risk mitigation reports are all in line with Council event procedures.

**Risk/Policy/Legislation Considerations**

Events that are conducted in QPRC's spaces are required to provide a range of reports and other material including traffic plans, risk management plans, signage and proof of insurances. These have been submitted and reviewed by the event team and included as attachments.

**Financial, Budget and Resource Implications**

This is a public event, that does not rely on QPRC for finance or other resources.

**Links to QPRC/Regional Strategic Plans***Community Strategic Plan 2.2*

Programs, facilities and events promote and enhance the Queanbeyan-Palerang region to make it a destination of choice.

*QPRC Events Strategy*

The goal of the QPRC Events Strategy is to create a framework that both informs and enables Council to attract and develop new events; enhance and grow current events; create significant economic and community benefit; and align to the Community Strategic Plan.



**9.11 German Auto Day - Sunday 25 August 2022 Traffic Report Approval (Ref: ;  
Author: Richards/Wightman) (Continued)**

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**Conclusion**

The German Auto Day car show is a popular event that is regularly held at Queanbeyan Park. Although organisers provided the required reports they were not provided to the QPRC Traffic Committee in time for approval. This event is compliant with all QPRC guidelines and procedures and should be approved by Council.

**Attachments**

- |  |  |
|--|--|
| Attachment 1   | 2022 German Auto Day RM plan ( <i>Under Separate Cover</i> )     |
|  Attachment 2 | GAD 2022 Signage Management Plan ( <i>Under Separate Cover</i> ) |
|  Attachment 3 | GAD Traffic Management Plan ( <i>Under Separate Cover</i> )      |

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.12 Stronger Country Community Fund Round 5 Project Nomination (Ref: ; Author: Richards/Darcy)**

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File Reference: 11.10

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**Recommendation**

**That Council nominate projects in order of priority from the list contained in the report, to proceed to application under Round 5 of the Stronger Country Communities Fund.**

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**Summary**

Round 5 of the Stronger Country Community Fund (SCCF) is open with an allocation to QPRC of \$2,247,578 of which \$1,548,810 is for Council projects and \$698,768 for community projects. Council is asked to nominate projects for the application.

**Background**

Round 5 of the NSW Government's SCCF fund is open. Applications close at 5pm on 23 September 2022. The SCCF provides funding for projects which deliver infrastructure and activities that enhance the lives and wellbeing of communities in regional NSW.

Each eligible Council received written notification of the funding available to their local government area. The funding envelope for the Queanbeyan-Palerang LGA is \$2,247,578. Of this, \$1,548,810 is earmarked for Council applications, with the balance of \$698,768 being available for funding applications from eligible community groups. Councils may submit one application only, for up to 10 projects, and must rank the projects being applied for in order of local priority.

The minimum funding amount per project is \$100,000. No maximum amount is set, but requests for more than \$2 million require a co-contribution of at least 25% of the total request. Each year, the SCCF has a priority theme. The round 5 priority themes are 'Inclusion and Accessibility' and 'Improved outcomes for Aboriginal people'. The SCCF Round 5 Program Guidelines are at Attachment 1.

**Report****What projects will the SCCF fund?**

Community amenity and community service infrastructure, including: community centres and halls; libraries; BBQ/picnic areas and recreation facilities; sporting infrastructure; murals or community art; memorials or statues; emergency services infrastructure; aquatic facilities; playgrounds, parks, shared paths and fixed fitness stations; seating; planter boxes, landscaping and paving; street lighting to improve safety; shade cloth, awnings and pergolas; public toilets; infrastructure for health and community services; homeless shelters; men's sheds; children's special needs premises; community aged care facilities; infrastructure to support improved accessibility to community facilities; town and tourism signage, and main street beautification projects.

Community programs and events, including multicultural festivals, intergenerational activities, environmental education and working bees, short-term disability or carer support programs, training, programs that promote accessibility and inclusion, and community wellbeing programs.

**9.12 Stronger Country Community Fund Round 5 Project Nomination (Ref: ; Author: Richards/Darcy) (Continued)**

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Eligible projects under the Round 5 theme

Projects that improve accessibility and inclusion for people with disability, and projects that improve outcomes for Aboriginal people will be considered favourably. The program seeks to fund universally designed projects, and applicants must demonstrate consideration of accessibility and inclusion measures in their application. Projects that improve community participation and accessibility and inclusion outcomes, and/or projects which demonstrate the provision of fit-for-purpose, accessible and safe facilities, and increased participation opportunities by increasing accessibility are encouraged. Projects that seek to improve outcomes for Aboriginal people and deliver positive impacts on social outcomes for Aboriginal people and communities are also encouraged.

Priority List for applications under SCCF Round 5, and Reserve List for upcoming opportunities.

It is recommended that Council applies for projects totalling up to or more than the allocation of \$1,548,810, to maximise our chances of project funding. Council is invited to prioritise these projects noting that Council cannot apply for more than 10 projects. A list of potential projects for consideration by Councillors is at Attachment 2.

The Program Guidelines state that maintenance and construction of local roads or other ongoing core service infrastructure works that are the ordinary responsibility of Council are not eligible, and neither is the delivery of essential or core government services. Car parks, footpaths and cycleways, however, are considered eligible.

Assessment Score

Attachment 2 shows a list of potential projects. To aid the assessment of eligibility for each project a scoring matrix was used with the following criteria and score:

- Capex (1) or Opex (0)
- Council Asset (1)
- New (1) or Renewal (0)
- Co-contribution funds available (1)
- DA Approved (1)
- In current Long-Term Financial Plan or Delivery Plan (1)
- In Community Strategic Plan or other QPRC Plan (1)
- Meets Guideline Criteria (1)
- Addresses Social Justice Principles (1)
- Enhances Environmental sustainability Principles (1)
- Deliverable in time frame (1)

Using this matrix, a maximum score of 11 is possible.

**9.12 Stronger Country Community Fund Round 5 Project Nomination (Ref: ; Author: Richards/Darcy) (Continued)**

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**Financial, Budget and Resource Implications**

The list at Attachment 2 provides assessment criteria based on budget resources and human resources expected to complete the project and contributes to the overall score rating for each project.

**Links to QPRC/Regional Strategic Plans**

The list at Attachment 2 provides an assessment criterion whether the project is nominated in a QPRC plan or Long-Term Financial Plan and contributes to the overall score rating for each project.

**Conclusion**

Council is asked to nominate and prioritise projects for nomination under round 5 of the SCCF. The priority themes are 'Inclusion and Accessibility' and 'Improved outcomes for Aboriginal people'.

**Attachments**

Attachment 1      SCCF Rd 5 2022 Guidelines (*Under Separate Cover*)



Attachment 2      SCCF5 Potential Projects (*Under Separate Cover*)



File Reference: 11.2.2-03

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### **Recommendation**

#### **That Council:**

- 1. Receive and note the finalised Trail Development Plan for Stage 1a of the MRT and the working draft of v.3 of the MRT Business Case.**
  - 2. Provide in-principle support for the Monaro Rail Trail (MRT) and continue to:**
    - a. work with Snowy Monaro Regional Council (SMRC) and other stakeholders to bring the Queanbeyan-Michelago stage of the MRT to an investment-ready position;**
    - b. identify suitable models for a partnership with SMRC and/or MRT Inc for the construction and operational phases of the project;**
    - c. discuss potential lease arrangements with Transport for NSW for the rail corridor and report back to Council;**
    - d. identify options and plan for the extension of the MRT into the Queanbeyan CBD and existing cycle networks to maximise the economic and community benefit of the project, and**
    - e. identify funding opportunities for the construction of the initial stage of the MRT and, subject to the support of Council, prepare and submit funding applications.**
- 

### **Summary**

The Monaro Rail Trail (MRT) Stage 1a, from Tralee to Michelago, is nearing the position that sufficient planning has been completed to make the project suitable for grant applications.

In line with the process detailed in the NSW Rail Trails Framework (2022) and requirements for funding applications, QPRC and SMRC officers will be required to commence discussions with Transport for NSW on potential lease terms and to identify an intended partnership model for the delivery of the project.

This report provides an update on the current status of the MRT and seeks Council support to progress the project to a position ready to seek government funding.

### **Background**

The MRT is a tourism project with significant benefits for the visitor economy. Once complete, the MRT will offer a 213km cycling route between Queanbeyan and Bombala, primarily along the disused rail corridor. The MRT will act as an enabler for economic activity along the route, including in the hospitality, retail and services sectors near a proposed trail head in the Queanbeyan CBD.

Further, a tourism experience with this level of regional and national appeal, would offer significant opportunities to Queanbeyan for associated place branding and destination awareness, being the recognised 'starting point' for the trail.

Council has resolved to support and facilitate the progression of rail trail proposals, since the adoption of the QPRC Tourism Plan in August 2017.



**9.13 Monaro Rail Trail (Ref: ; Author: Richards/Deebank) (Continued)**

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A Feasibility Study was completed by SMRC in 2019, followed by a Trail Development Plan (TDP) for Stage 1a (Tralee to Michelago) in 2022, jointly funded by SMRC and QPRC. Concurrently to the TDP, a Consultation Report was produced following engagement with all stakeholders including landholders adjacent to the rail corridor. The issues raised during the consultation and proposed mitigatory actions are discussed in Table 1 on p.60-4 of the TDP.

Councillors have participated in workshops on 18 May and 31 August 2022, which included consideration of the MRT Business Case.

The TDP and current working draft of the Business Case are provided as attachments to this report.

**Report**

Funding has been sought from the NSW Business Case and Strategy Development Fund for a TDP to facilitate the extension of the MRT from Tralee into the Queanbeyan CBD via the rail corridor and/or Enviro Drive, the Ellerton Drive extension and the Queanbeyan River Walk. Additionally, the application includes essential biosecurity and biodiversity reports and a TDP for Stage 2 (Michelago to Cooma). An outcome of this funding application is expected in October 2022.

Once these reports are complete, and prior to lodging funding applications, Council will need to reach an understanding with Transport for NSW for establishing a lease on the rail corridor. The NSW Rail Trails Framework, with legislation subsequently passed in August 2022, indicates that such a lease would be for a nominal fee, for a term up to 30 years. It would include or exclude individual assets in the corridor on a project-by-project basis.

The process for establishing a rail trail outlined in the Framework is new and untested. Following a meeting with Transport for NSW in September 2022, it is clear that it will be an extended process. Attaining the permission of the landowner (Transport for NSW) is essential to progress any funding application.

The Framework also identifies several options for the governance of a rail trail. In practice, this would likely require either a memorandum of understanding between QPRC and SMRC with each Council remaining responsible for the ongoing operations and maintenance within its borders or, alternatively, the creation of a new entity (effectively a joint venture between the Councils) to oversee the project.

Once these issues of proposed lease arrangements, a model for QPRC/SMRC co-operation and environmental assessments have been worked through and the implications fully understood, a further report will be provided to Council with updated detail on the budgetary impact and ongoing financial and legal implications, prior to applying for funding.

**Risk/Policy/Legislation Considerations**

This report is seeking authorisation to complete preparatory work for a future funding application to construct the MRT. There are no significant risk/policy/legislation considerations at this stage of the project planning.

**Financial, Budget and Resource Implications**

QPRC officers from the Business & Innovation branch will continue to provide staff resources to the project, from within the existing economic and tourism programs.

**Links to QPRC/Regional Strategic Plans**

Cycle tourism and the Monaro Rail Trail are identified as opportunities and key projects in:

QPRC Delivery Program 2022-26

QPRC Operational Plan 2022-23

**9.13 Monaro Rail Trail (Ref: ; Author: Richards/Deebank) (Continued)**

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QPRC Tourism Plan 2017-25

Destination Southern NSW Destination Management Plan 2018-22

**Conclusion**

QPRC officers should progress discussions and planning with other stakeholders to bring the MRT to an investment-ready position. This will, subject to a further Council resolution, enable an application for government funding in the future.

**Attachments**

- |   |   |
|---|---|
| Attachment 1  | Monaro Rail Trail: Trail Development Plan Stage 1a ( <i>Under Separate Cover</i> )  |
|  |   |
| Attachment 2  | Monaro Rail Trail: Business Case v3 (working draft) ( <i>Under Separate Cover</i> ) |
|  |   |

## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

**9.14 Carry Forward / Revote of Expenditure to Financial Year 2022/23 (Ref: ; Author: Monaghan/Blakey)**

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File Reference: 43.7.2-14

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**Recommendation**

**That Council carry forward and re-vote budgets of \$22,255,182 into the 2022-23 financial year for the projects listed in the attached report.**

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**Summary**

A number of projects were budgeted for completion in the 2021-22 financial year that were not completed by 30 June. This report seeks Council's approval to carry forward and re-vote amounts specifically identified as unspent by 30 June 2022. The works are proposed to be completed in the 2022/23 Financial Year.

**Background**

The attached list of uncompleted projects and works shows amounts that were budgeted for expenditure during the previous financial year, that were not spent, and that are required for expenditure in the current financial year. 'Carry forwards' represent projects or works that commenced, but were not concluded by year end, and the balance of the budget is proposed to be carried forward into FY2023. 'Revotes' are those projects that did not commence last financial year, are still intended to be undertaken, and require the value of the budget to be transferred (revoted) into the new financial year FY2023.

It is normal for a council to carry projects across financial years. While a full suite of projects are endorsed in an Operational Plan, during the course of a year new projects, grants or disasters emerge that alter priorities and divert resources. QPRC aims to complete at least 80% of its projects in the financial year they are budgeted and reduce carry forward budgets to a maximum of 20% of the capital budget.

However, due to the recent disruptors (natural disasters, the COVID-19 pandemic) the government shift in grants stimulus, delays in receipt of grant deeds, and availability of contractors to supplement Council's workforce capacity, around 60-70% of the planned work has been completed, as well as the new stimulus work and carried forwards from previous years. The value of carried forwards and revotes has increased from \$15.5m in FY21 to \$22.3m in FY22.

\$50m of project expenditure was previously reviewed and transferred from the 2021-22 to the 2022-23 budget, at the March Quarterly Budget Review and these amounts have already been allowed for in the 2022-23 Operational Plan.

In addition to the March QBRS, \$22,255,182 of unexpended budgets at 30 June 2022 are proposed to be carried forward to the 2022-23 budget as detailed in the attached carry-over report.

Of the total amount, \$21,365,451 is externally funded (or partially funded), with grant income either received or receivable. \$889,731 is internally funded, and the projects have already substantially commenced, and therefore are also recommended to be carried forward.

# 9.14 Carry Forward / Revote of Expenditure to Financial Year 2022/23 (Ref: ; Author: Monaghan/Blakey) (Continued)

## **Risk/Policy/Legislation Considerations**

Unspent budgets can be carried over to the next financial year budget pursuant to subclause 211 (3) of the Local Government (General) Regulation 2005:

*All such approvals and votes lapse at the end of council's financial year. However, this subclause does not apply to approvals and votes relating to:*

- (a) Work carried out or started, or contracted to be carried out, for the council, or*
- (b) Any service provided, or contracted to be provided, for the council, or*
- (c) Goods or materials provided, or contracted to be provided, for the council, or*
- (d) Facilities provided or started, or contracted to be provided, for the council.*

A *revote* is defined as an approved project which has not commenced or been contracted to commence in the 2021-22 financial year, whereas a *carryover* is an approved project which has commenced or contracts have been signed to commence, but will not be completed by 30 June 2022.

## **Financial, Budget and Resource Implications**

The table below shows that of the \$21.3m budget recommended to be carried over \$22.2m has external funding.

<b>Funding source</b>	<b>Amount</b>
Externally Restricted Reserves and Grant Income	\$ 21,365,451
Internal Restricted Reserves	\$ 889,731
Total	\$ 22,255,182

## **Conclusion**

All projects were identified in the 2021/22 Operational Plan and within the Quarterly Budget Review Statements. Projects listed in the report are either currently in progress or grant funded. This recommendation restricts budgets currently held within the 2021/22 financial year and rolls over the budgets to the 22/23 Financial Year allowing projects to continue.

## **Attachments**

Attachment 1      Carryover and revote Report 30 June 2022 (*Under Separate Cover*)



## REPORTS TO COUNCIL - ITEMS FOR DETERMINATION

9.15 June 2022 Quarterly Budget Review Statement (Ref: ; Author: Monaghan/Blakey)

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File Reference: 43.7.2-18

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### **Recommendation**

**That Council:**

- 1. Accept the June 2022 Quarterly Budget Review Statement.**
  - 2. Accept the Cash and Reserves Report and confirm the internal cash reserves as at 30 June 2022 as per the report.**
- 

### **Summary**

The June Quarterly Budget Review Statement (QBRs) presents a summary of council's financial position at year end. It is the mechanism whereby councillors and the community are informed of Council's progress against Operational Plan (original budget) and the last revised budget along with recommended changes and reasons for major variances. The fourth Quarter Budget review will complete the 2021-22 financial year quarterly review statements.

### **Background**

The June QBRs is a final budget review for the financial year to illustrate organisational performance against budget. Read with the first three quarterly budget reviews for 2021/22, the final QBRs takes into account the budget movement in the final quarter and includes analysis of:

- external factors that affected financial performance against budget
- what trends are emerging to inform future budgets

### **Report**

The budgeted consolidated operating result has decreased from a projected operational deficit of \$9.4m reported at the March budget review to a June surplus of \$1.6m. The budgeted General Fund operating result has moved from an original forecast operational deficit of \$5.2m to a June deficit of \$5.9m.

The material variations from the original budget for the 2021-22 year are attributed to:

**Total annual consolidated income** is \$158.8m against a current budget of \$152.5m. The \$6.3m budget variance is due to the following;

- \$2.3m decrease in interest income received compared to budget due to unfavourable market conditions of Councils managed funds held with NSW Treasury Corp (TCorp)
- \$6.9m increase in user fees and charges received compared to budget. This is predominantly due to an increase in state road capital works income of \$9.9m against a budget of \$4.1m.

**9.15 June 2022 Quarterly Budget Review Statement (Ref: ; Author: Monaghan/Blakey)  
(Continued)**

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**Total consolidated expenditure** was \$157.1m against a budget of \$161.9m. The \$4.7m budget variance is due to the following;

- Employee costs increased by \$204k compared to the original budget. Budget adjustments were made at the 1st and 3rd Quarter Budget Reviews which increased the employee budget by \$1.7m however these funds were not fully expensed and actually resulted in a underspend of \$1.5m when compared to the 3rd Quarter Budget.
- \$1m reduction of borrowing costs in the current financial year, due to deferral of new borrowings to match cash requirements with the deferred capital works program.
- June depreciation journal has not been completed due to delays in finalising end of year asset capitalisation.
- \$1.9m decrease to the internal project management attribution allocation of 4% on capital works, due to the revised timing of capital cashflows

The “Actual” figures included in this report are the 2021/22 pre-audit actuals, prior to finalisation of end of year accounting journals, and are therefore subject to change with the end of year financial statements. They include all income and expenditure occurred and accrued for the financial year – and are reliable for the purpose of reviewing budget performance.

**Capital Projects**

Council is currently managing 286 capital works projects. The original capital works budget for 2021/22 was \$179m of which \$86m (48%) has been expended by 30 June 2022. This budget was reduced to \$114m at the March quarterly budget review.

A review of the capital works budget has been completed for the fourth quarter review. Estimated carry overs at this point in time is \$22m.

**Cash Reserves**

The cash and reserves summary, reports Council's current total reserve funds, and balance of working funds as of 30 June 2022. Working funds move significantly up and down throughout the year based on large cashflow movements for quarterly rates instalments, grant payments and spending on large capital projects. Most of Council's cash is externally restricted, totalling \$200m and limited in its use to specific purposes by contracts or legislation.

Internal reserves which total \$13m, are used as a device to reserve certain portions of surplus cash in order to make them unavailable for other purposes. They are a decision of Council to set aside surpluses for future liabilities and provisions, for example, employee leave entitlements, plant purchases, and infrastructure replacement. However, it is always recognised that internal reserves are not a guarantee that the cash will always be available for the purpose when required.

All of the internal and external reserves have been reconciled for the actual income and expenditure received and spent for the financial year as shown in the Attached Report.

Cash and Reserves reported are a point in time measure, and as at 30 June there is an unrestricted cash balance of \$250k, which is considered to be a very low level of working funds for a Council the size of QPRC.



**9.15 June 2022 Quarterly Budget Review Statement (Ref: ; Author: Monaghan/Blakey)  
(Continued)**

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This has been achieved by reducing the Financial Assistance Grant (FAG) prepayment Internal Reserve from \$5.1m to \$1.65m. In effect, this means that Council has already spent a proportion of the FAG funds before 30 June 2022.

The Audit Office does not audit internal reserves or unrestricted cash and there is no accounting standard that prohibits this accounting treatment, which has been practice for a number of years.

Unrestricted cash and internal reserves have been depleted in recent years due to ongoing budget deficits, budget overspends and a high level of capital works. In addition, a large amount of grant funds and fees for private works are owed to Council by State Government, where grants are paid on a claim's basis, after expenditure is incurred. As at 30 June 2022 the following significant amounts were owed to Council by the NSW Government.

- NSW Transport (Natural Disaster) \$4.4m
- Department of Planning Infrastructure Environment \$440k
- NSW Transport Roads, Maintenance Council Contract State Roads \$8.2m

Staff have reported the need to reverse the general fund deficit, improve Councils cash management/debt collection processes and increase unrestricted cash. In addition to analysing both external and internal reserves, transfers and projects for carry over; internal procedures and claims management reporting is under review; and accountability measures are being developed in order to address the inherent financial risks.

**Risk/Policy/Legislation Considerations**

Council prepares quarterly budget review statements in accordance with clause 203(1) of the Local Government (General) Regulation 2005 which requires that, not later than 2 months after the end of each quarter, excluding the June quarter, the responsible accounting officer must submit a budget review statement to Council.


Whilst legislation does not require Council to prepare a fourth Quarterly Budget Review, the practice supports Council's objective to improve budget control measures by reviewing its performance against the annual budget and providing early information on end of year results so that corrective action can be considered.

**Conclusion**

The June Quarterly Budget Review Statement provides a summary of Council's 2021-22 financial performance and reports on progress against the adopted budget.

As highlighted to Council previously, the low level of unrestricted cash and internally restricted reserves continue to remain critical and additional corrective action will be considered over the next 6-12 months in reviewing the next Long Term Financial Plan (LTFP).

**Attachments**

- |   |   |
|---|---|
| Attachment 1  | June 2022 Quarterly Budget Review Report - 14 Sept 2022 ( <i>Under Separate Cover</i> ) |
|  |   |

File Reference: 52.5.4

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### **Recommendation**

That:

1. Council place the following Policies on public exhibition for 28 days:
    - Statement of Business Ethics
    - Unsealed Road Maintenance Policy
    - Stakeholder and Community Engagement Policy Framework
    - Playground Management Policy
    - Signs by Remote Supervision Policy
    - Street Verge Maintenance Policy
    - Managing Unreasonable Conduct by Complainants Policy
    - Volunteering Policy
    - Operations Sustainability Policy
    - Boundary Fences Adjoining Council Public Reserves Policy
  2. If no submissions are received, the policies be adopted.
- 

### **Summary**

The attached Policies have undergone a review by the relevant business units and as a result, some amendments have been made. The intent of the Policies as they currently exist has not changed, but rather reflects updated best practice and timely revisions.

### **Report**

#### ***Policy***

Changes made to the policies as part of this review process are outlined below:

**Statement of Business Ethics** – minor wording and legislation changes. No changes to content made.

**Unsealed Road Maintenance Policy** – policy reviewed, no changes to content made.

**Stakeholder and Community Engagement Policy Framework** – policy review, only minor changes made. NOTE: Review of the Community Engagement and Participation Plan and Community Engagement Toolkit to accompany this Framework is to be completed by December 2022.

**Playground Management Policy** – policy reviewed, no changes to content made.

**Signs by Remote Supervision Policy** – policy reviewed, no changes to content made.

**Street Verge Maintenance Policy** – policy reviewed, no changes to content made.

**9.16 Reviewed Policies (Ref: ; Author: Ryan/Flint) (Continued)**

**Managing Unreasonable Conduct by Complainants Policy** – Overhaul of existing policy, based on July 2022 Model Policy released by NSW Ombudsman's Office.

**Volunteering Policy** – policy reviewed; minor changes made. Intent of the policy remains the same as currently adopted policy.

**Operations Sustainability Policy** – policy reviewed; minor changes made. Intent of the policy remains the same as currently adopted policy.

**Boundary Fences Adjoining Council Public Reserves** – Former Queanbeyan City Council Policy, reviewed and updated to align with current legislative provisions.

**Conclusion**

Within 12 months of an election, Council must review all Policies. This process is underway and it is recommended that revised versions of these Policies be exhibited for public comment before being formally re-adopted.

**Attachments**

Attachment 1	Statement of Business Ethics ( <i>Under Separate Cover</i> )
 Attachment 2	Unsealed Road Grading Policy ( <i>Under Separate Cover</i> )
 Attachment 3	Stakeholder and Community Engagement Policy Framework ( <i>Under Separate Cover</i> )
 Attachment 4	Playground Management Policy ( <i>Under Separate Cover</i> )
 Attachment 5	Signs by Remote Supervision Policy ( <i>Under Separate Cover</i> )
 Attachment 6	Street Verge Maintenance Policy ( <i>Under Separate Cover</i> )
 Attachment 7	Managing Unreasonable Conduct by Complainants Policy ( <i>Under Separate Cover</i> )
 Attachment 8	Volunteering Policy ( <i>Under Separate Cover</i> )
 Attachment 9	Operations Sustainability Policy ( <i>Under Separate Cover</i> )
 Attachment 10	Boundary Fences Adjoining Council Public Reserves Policy ( <i>Under Separate Cover</i> )

## REPORTS TO COUNCIL - ITEMS FOR INFORMATION

10.1 Resolution Action Sheet (Ref: ; Author: Ryan/Flint)

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File Reference: 52.3.2

**Recommendation**

**That the report be received for information.**

**Report**

The Resolution Action Sheet provides Council with information on action taken, status and proposed steps as a result of resolutions carried at Ordinary Council meetings. As at 31 August, there are 16 outstanding resolutions.

It is the role of the General Manager to 'implement, without undue delay, lawful decisions of the council' as per s335 of the Local Government Act (1993).

The Resolution Action Sheet is an ongoing document, updated progressively by staff. As items are completed and presented to Council, they will be removed from the document. Resolutions which are outstanding for more than 12 months will generate a further report to Council.

Resolutions relating to Land transfers; ie compulsory acquisition, purchase or sale in particular when associated with road works, Council facilities development can take up to 2-5 years to be completed. These items are now recorded to a Land Acquisition/Sale Register for action and monitoring by Corporate Governance and Legal division and reported to Council on an annual basis.

This report is presented to Council on a quarterly basis.

**Attachments**

Attachment 1 Resolution Action Sheet (*Under Separate Cover*)



## REPORTS TO COUNCIL - ITEMS FOR INFORMATION

## 10.2 Councillor Workshops (Ref: ; Author: Flint/Ison)

File Reference: 14 September 2022 reports

### **Recommendation**

**That the report be received for information.**

### **Synopsis**

Council at its meeting on 23 February 2022 resolved (*Resolution No 093/22*) to publish details of Councillor workshops in the Agenda of the next Council meeting.

### **Report**

During the period 18 August to 7 September 2022, the following workshops were held:

<b>Date</b>	<b>Workshop Items</b>	<b>External Presenter/s (if applicable)</b>
30/08/2022	1. Noise Management in South Jerrabomberra Valley 2. Procurement Policy	Michael Robinson and Cindy Garrahy from Arc Blue
31/08/2022	1. Community Centres 2. Monaro Rail Trail 3. Googong Urban Release Area Planning Proposal	Carlo Botto and Rick Moor from MRT Inc  Malcolm Leslie from PEET
06/09/2022	1. Queanbeyan Golf Club Strategic Plan 2. CRJO Presentation 3. QBRS 4 <sup>th</sup> Quarter	John Bull, Scott Cameron, Mitch Levy and Lachlan Ross from Queanbeyan Golf Club  Cr Russell Fitzpatrick, Chair; and Warwick Bennett, Chief Executive CRJO
07/09/2022	1. Queanbeyan Showground Place Name Nomination 2. SCCF Round 5 Projects 3. DA briefing Albion Hotel Braidwood	Damien Tybussek from NSW Heritage

### **Attachments**

Nil

11.1 First Nations Consultative Committee Minutes 3 August 2022 (Ref: ; Author: Richards/Hansen)

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File Reference: 2.4.2

**Recommendation**

That Council:


1. Note the minutes of the First Nations Consultative Committee held on 3 August 2022
2. Retain the word 'emerging' in all Acknowledgement of Country statements within Council, including webpages.

**Summary**

The Committee discussed several administrative issues, including the Terms of Reference, Acknowledgement of Country wording and current grant opportunities.

Guests at the meeting also presented a proposal for a possible future art sculpture for the QCCP.

**Attachments**

Attachment 1  First Nations Consultative Committee Meeting Minutes 3 August 2022  
(Under Separate Cover)



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**15 NOTICE OF INTENTION TO DEAL WITH MATTERS IN CLOSED SESSION**

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It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “confidential” business paper which has been circulated to Councillors.

The *Local Government Act, 1993* requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the *Local Government Act, 1993*.

**Recommendation**

**That pursuant to Section 10A of the *Local Government Act, 1993* the following items on the agenda for the Ordinary Council meeting be dealt with in Closed Session for the reasons specified below:**

**Item 16.1 Tender 2022-30 - Cooma Road Realignment**

*Item 16.1 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**Item 16.2 Renewable Energy Power Purchase Agreement- Variation of Binding Agreement**

*Item 16.2 is confidential in accordance with s10(A) (di) of the Local Government Act 1993 because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*